

DEPARTMENT OF THE ARMY
Omaha District, Corps of Engineers
106 South 15th Street
Omaha, Nebraska 68102-1618

:NOTICE: Failure to acknowledge : Solicitation No. W9128F 04 R 0003
:all amendments may cause rejec- :
:tion of the offer. See FAR : Date of Issue: 21 JAN 2003
:52.215-1 of Section 00100 : **Date of Receiving Proposals:**
10 MAR 2004

Amendment No. 0002
20 February 2004

SUBJECT: **Amendment No. 0002** to Request for Proposal Solicitation Package
for Construction of **FY04 ADAL USAF HOSPITAL at USAF**
ACADEMY, COLORADO.
Solicitation No. W9128F 04 R 0003

TO: Prospective Offerors and Others Concerned

1. The specifications and drawings for subject project are hereby modified as follows (revise all specification indices, attachment lists, and drawing indices accordingly).

a. Specifications. (Descriptive Changes.)

(1) Section 00800, Page 16, following paragraph 1.35, insert:

"1.36 GOVERNMENT-FURNISHED PROPERTY

Pursuant to CONTRACT CLAUSES clause: "Government-Furnished Property (Short Form)" the Government will furnish to the Contractor the following property to be incorporated or installed in the work. Such property will be furnished to the Contractor at the project site and the Contractor shall accept delivery when made, and shall be responsible for the property until incorporated into the project, all at his own expense. All such property will be installed or incorporated into the work at the expense of the Contractor. The Contractor shall verify the quantity and condition of such Government-furnished property when delivered to him, acknowledge receipt thereof in writing to the Contracting Officer, and in case of damage to or shortage of such property, shall within 24 hours report in writing such damage or shortage to the Contracting Officer.

Quantity/Item/Description

The Government-Furnished/Contractor-Installed valve list is shown on the Air Terminal Unit Schedule on drawing sheet M8-3. There are 134 terminal units with reheat coil control valves. 126 valves will be 2-way and 8 valves will be 3-way. Pipe sizes and control valve Cv values are provided on the schedule."

(2) Section 01330 Submittal Register, delete the submittal register in its entirety and substitute the attached revised Submittal Register.

(3) All Sections, submittal paragraphs of specifications, revise submittal items, submittal classification designations of submittal items and submittal reviewer classifications for submittal items to agree with the revised submittal register issued with this amendment.

(4) Section 01565, delete the Cover Page and Pages 1 thru 44 of the Storm Water General Permit for Construction Activities and substitute the attached NPDES General Permit for Storm Water Discharges For Construction Activities and Fact Sheet (98 pages).

(5) Section 13720A, Page 13, following paragraph 1.7.10, insert the following new paragraph:

"1.8 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01330 SUBMITTAL PROCEDURES:

SD-02 Shop Drawings

Final System Drawings; G-AO

The Contractor shall maintain a separate set of up-to-date drawings for the ESS as described above. In addition to being complete and accurate, this set of drawings shall be kept neat and shall not be used for installation purposes. Final drawings shall be submitted to the Government with the final endurance test report and shall be finished drawings on vellum and CD-ROM.

SD-03 Product Data

Test Procedures; G-AO

Written notification of planned testing shall be given to the Government at least 14 days prior to the test; notice shall not be given until after the Contractor has received written approval of the specific test procedures. Test procedures shall explain in detail, step-by-step actions and expected results, demonstrating compliance with the requirements specified.

SD-05 Design Data

Electronic Security System; G-AE

The Contractor shall provide an Electronic Security System (ESS) package as described and shown above in paragraph 1.2 SYSTEM DESCRIPTION, including installation of any Government Furnished Equipment. This package shall include technical data packages, computer software, and all pertinent system data and/or manuals necessary for evaluation of the system.

SD-06 Test Reports

Test Reports; G-AO

The Contractor shall perform pre-delivery testing, site testing, and adjustment of the completed ESS. The Contractor shall provide personnel, equipment, instrumentation, and supplies necessary to perform testing. Test reports shall be used to document results of the tests. Reports shall be delivered to the Government within 7 days after completion of each test.

SD-10 Operation and Maintenance Data

Training; G-AO

The Contractor shall conduct training courses for designated personnel in the maintenance and operation of the system as specified. The training shall be oriented to the specific system being installed. Training manuals shall be developed and delivered as described above.

Operation and Maintenance Instructions; G-AO

Operation, Maintenance, Hardware and other required manuals shall be developed as described above and submitted to the COR. At a minimum, the manual(s) shall fully describe all equipment furnished; fully explain all procedures and instructions for the operation of the system; and provide descriptions of maintenance for all equipment including inspection, periodic preventive maintenance, fault diagnosis, and repair or replacement of defective components."

(6) Section 15951A, Page 15, paragraph 1.7.10, delete text of paragraph in its entirety "Updates to the software ... software documentation." and substitute

"All software provided for the Hospital DDC system shall be seamlessly compatible with the current EMCS and the hospital work station."

(7) Section 15951A, Page 18, paragraph 2.5.3, delete "Dampers shall be parallel-blade type." and substitute:

"All duct mounted control dampers shall be opposed blade type provided under this section. All dampers indicated to be integral to air handling units shall be parallel type and furnished under section 15895."

(8) Section 15951A, Page 23, paragraph 2.11, line 1, delete "Acceptable manufacturers" and substitute:

"Known manufacturers that can meet the requirements of this specification".

(9) Section 15895A, Page 17, paragraph 2.9.1.7, delete "Dampers shall be as specified in paragraph CONTROLS." and substitute:

"All control dampers indicated on drawing M5-1 as being integral to the air handling unit combination filter mixing box and the return air

plenum shall be provided by the air handler manufacturer. Coordinate with the Controls Subcontractor during the submittal process."

b. Specifications (New and/or Revised and Reissued). Delete and substitute or add specification pages as noted below. The substituted pages are revised and reissued with this amendment.

PAGES DELETED	PAGES SUBSTITUTED OR ADDED
---	Section 07212, Pages 1 thru 5

c. Drawings (Not Reissued). The following sheets of drawing code AF 510-10-01 are revised as indicated below with latest revision date of 20 February 2004. These drawings are not reissued with this amendment.

(1) Sheet A2-9, at location of Corridor 1JC3 directly across from the door in X-Ray 1J23, show a wall type "5" symbol with the words "SIM" next to it.

(2) Sheet A8-3, WALL SECTION 1/A8-3 @ roof, delete detail marker "2/A8-18" and substitute "1/A8-19". Sheet where detail is cut remains "A8-3".

(3) Sheet A8-8, WALL SECTION 4/A8-8 @ roof, delete detail marker "2/A8-18" and substitute "1/A8-19". Sheet where detail is cut remains "A8-8".

(4) Sheet A8-18, DETAIL 2/A8-18, from the list of sheet references where detail is cut, delete "A8-3" and "A8-8".

(5) Sheet A8-19, DETAIL 1/A8-19, to the list of sheet references where detail is cut, add "A8-3" and "A8-8".

(6) Sheet M2-1, ALTERATION BASEMENT HVAC PLAN BLOCK 'BA', upper right-hand corner of plan, revise plan in accordance with attached Sketch M-2 (Areas of revision are clouded).

(7) Sheet M8-3, AIR TERMINAL UNITS V.A.V.-R.H. & C.V.-R.H. schedule, NOTES beneath this schedule, following note 2, add:

"3. THERE ARE 134 TERMINAL UNITS WITH REHEAT COIL CONTROL VALVES THAT ARE GOVERNMENT-FURNISHED/CONTRACTOR-INSTALLED (126 VALVES WILL BE 2-WAY AND 8 VALVES WILL BE 3-WAY.)"

(8) Sheet M9-1.

(a) DDC POINTS LIST, near drawing coordinate B-3, list of AHU's reading "AHU-4, 5, 13, 14 & 17 15, 16 & 17", line 1, delete "& 17".

(b) In accordance with attached Sketch M-1, insert the Sequence of Operation for Hot Water Pumps MTHWP-1 and MTHWP-2, Sequence of Operation for Chilled Water Pump CWP-1, and DDC Points List for Pumps MTHWP-1, MTHWP-2 and CWP-1.

(9) Sheet M9-2, diagram labeled "ELECTRIC LIGHTING METER", delete "ELECTRIC LIGHTING METER" and substitute "ELECTRIC METER"

FOR MRI SUITE"; Also, below diagram title, add the following note:

"NOTE: SEE ELECTRICAL DRAWINGS FOR LOCATION OF METER."

(10) Sheet E9-9, does not view correctly from the solicitation CD-ROM contract viewer. This drawing views correctly on the solicitation web site: <http://ebs-nwo.wes.army.mil>. The drawing file is on the solicitation CD-ROM under folder labeled "Plans". The file name for this sheet is as follows: 22E909.CAL. There are no revisions to this sheet. This sheet is part of the contract set.

(11) Sheet E10-5, PREMISES DISTRIBUTION SYSTEM, SINGLE LINE DIAGRAM - ROOM 1278, delete text reading '5-25PR UTP, TPH - 2" C' and substitute:

'4 RUNS, EACH 25 4PR, UTP, TPH, 2 ½" C.'

(12) Sheet E10-8, FIRST FLOOR COMPOSITE, PUBLIC ADDRESS ZONING PLAN, drawing coordinate A-3, note reading "ZONE 1-7 AMBULATORY SURGERY", delete "ZONE 1-7" and substitute "ZONE 1-1"

2. This amendment is a part of the proposing papers and its receipt shall be acknowledged on the Standard Form 1442. All other conditions and requirements of the specifications remain unchanged. If the proposals have been mailed prior to receiving this amendment, you will notify the office where proposals are received, in the specified manner, immediately of its receipt and of any changes in your proposal occasioned thereby.

a. Hand-Carried Proposals shall be delivered to the U.S. Army Corps of Engineers, Omaha District, Contracting Division (Room 301), 106 South 15th Street, Omaha, Nebraska 68102-1618.

b. Mailed Proposals shall be addressed as noted in Item 8 on Page 00010-1 of Standard Form 1442.

3. Offers will be received until 1:00 p.m., local time at place of receiving proposals, 10 March 2004.

Attachments:

Submittal Register (40 pages)

NPDES General Permit for Storm Water Discharges For Construction Activities and Fact Sheet (98 pages)

Section 07212, Pages 1 thru 5

Drawing Sketch M-2 (Sheet M2-1)

Drawing Sketch M-1 (Sheet M9-1)

Attendance List for Hospital Site Visit dated 29 January 2004 (For Information Only)

U.S. Army Engineer District, Omaha
Corps of Engineers
106 South 15th Street
Omaha, Nebraska 68102-1618

20 FEB 2004
DRL/4547

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SUBMITTAL REGISTER

CONTRACT NO.

TITLE AND LOCATION HOSPITAL ADAL, USAF ACADEMY, CO						CONTRACTOR											
ACTIVITY NO	TRANSMITTAL NO	SPEC SECT	DESCRIPTION ITEM SUBMITTED	PARAGRAPH #	GOVT CLASSIFICATION OR REVIEW	CONTRACTOR: SCHEDULE DATES			CONTRACTOR ACTION			APPROVING AUTHORITY				MAILED TO CONTR/ DATE RCD FRM APPR AUTH	REMARKS
						SUBMIT	APPROVAL NEEDED BY	MATERIAL NEEDED BY	ACTION CODE	DATE OF ACTION		DATE FWD TO APPR AUTH/ DATE RCD FROM CONTR	DATE FWD TO OTHER REVIEWER	DATE RCD FROM OTH REVIEWER	ACTION CODE	DATE OF ACTION	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)
		00800	SD-02 Shop Drawings														
			Equipment Room Drawings	1.24	G AO												
		00810	SD-01 Preconstruction Submittals														
			Detailed Phasing Plan	1.6.4	G AE												
		01200	SD-11 Closeout Submittals														
			Equipment Warranty Booklet	1.2.5	G AO												
		01400	SD-06 Test Reports														
			Exposure Assessment and Air Monitoring		G AO												
			SD-07 Certificates														
			Qualifications		G AO												
			Training Program														
			Medical Requirements														
		02220	SD-07 Certificates														
			Demolition plan	1.9	G AE												
			Notifications	1.4.1	G AO												
		02231	SD-04 Samples														
			Tree wound paint	2.1													
		02315a	SD-06 Test Reports														
			Testing	3.12	G AO												
		02316a	SD-06 Test Reports														
			Field Density Tests	3.4.3													
			Testing of Backfill Materials	3.4.2													
		02468N	SD-02 Shop Drawings														
			Survey of caisson locations	1.4.1	G AE												
			SD-06 Test Reports														

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		02468N	Penetration test records	1.4.2	G AE												
			Proof test holes reports	1.4.3	G AE												
			SD-11 Closeout Submittals														
			Caisson Records														
		02510a	SD-03 Product Data														
			Installation	3.1	G AO												
			Waste Water Disposal Method	3.4													
			SD-06 Test Reports														
			Bacterial Disinfection	3.3	G AO												
		02530	SD-02 Shop Drawings														
			Precast concrete manholes	2.3.1													
			Metal items	2.3.4													
			Frames, covers, and gratings	2.3.4.1													
			SD-03 Product Data														
			Pipeline materials	2.1													
		02552A	SD-02 Shop Drawings														
			Heat Distribution System	2.2	G AE												
			SD-03 Product Data														
			Interruption of Existing Service	3.1.2	G AO												
			Operational Test	3.6.2.3	G AO												
			Tests	3.6	G AE												
			UHDS Manufacturer's	3.5.4	G AE												
			Representative Reports														
			Connecting to Existing Work	3.1.4	G AE												
			UHDS Manufacturer	1.2.4	G AE												

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		02552A	UHDS Manufacturer's Representative	1.2.5	G AE												
			UHDS Design	1.3.2	G AE												
			Certificate of Compliance	3.5.4	G AE												
			Welding	3.4	G AO												
			SD-10 Operation and Maintenance Data														
			Heat Distribution System	2.2	G AO												
		02556A	SD-02 Shop Drawings														
			Pipe, Fittings, and Associated Materials	2.1	G AO												
			SD-03 Product Data														
			Materials and Equipment	1.3.3	G AO												
			Connections to Existing Lines	3.11	G AO												
			Welding Steel Piping	1.3.1	G AO												
			Jointing Polyethylene	1.3.2	G AO												
			Connection Plan	3.11.1	G AO												
			SD-06 Test Reports														
			Pressure and Leak Tests	3.12.2	G AO												
			SD-07 Certificates														
			Training	1.3.2	G AO												
		02621a	SD-07 Certificates														
			Materials	2.1													
		02630a	SD-03 Product Data														
			Placing Pipe	3.3	G AO												
			SD-04 Samples														

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		02630a	Pipe for Storm Drains	2.1													
			SD-07 Certificates														
			Frame and Cover for Gratings	2.2.5													
		02741N	SD-06 Test Reports														
			Mix design	1.3.3	G AO												
			SD-07 Certificates														
			Asphalt concrete	2.1													
			Asphalt concrete	2.1													
		02770a	SD-03 Product Data														
			Concrete	2.1	G AO												
			SD-06 Test Reports														
			Field Quality Control	3.8													
		02921a	SD-03 Product Data														
			Equipment	3.1.3													
			Surface Erosion Control Material	2.7													
			Delivery	1.4.1													
			Finished Grade and Topsoil	3.2.1													
			Topsoil	2.2													
			Quantity Check	3.5													
			Seed Establishment Period	3.9	G AO												
			Maintenance Record	3.9.3.5	G AO												
			Application of Pesticide	3.6	G AO												
			SD-04 Samples														
			Delivered Topsoil	1.4.1.1													
			Soil Amendments	2.3													
			Mulch	2.4													

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		02921a	SD-06 Test Reports														
			Equipment Calibration	3.1.3													
			Soil Test	3.1.4													
			SD-07 Certificates														
			Seed	2.1													
			Topsoil	2.2													
			pH Adjuster	2.3.1													
			Fertilizer	2.3.2													
			Organic Material	2.3.4													
			Soil Conditioner	2.3.5													
			Mulch	2.4													
			Pesticide	2.6													
		02930a	SD-02 Shop Drawings														
			Shop Drawings	3.3.1	G AO												
			Finished Grade, Topsoil and Underground Utilities	3.2.1	G AO												
			SD-03 Product Data														
			Equipment	3.7.2													
			Delivery	1.4.1													
			Plant Establishment Period	3.9	G AO												
			Maintenance Record	3.9.2.6	G AO												
			Application of Pesticide	3.7	G AO												
			SD-04 Samples														
			Delivered Topsoil	1.4.1.3													
			Soil Amendments	3.1.4.2													
			Mulch	2.4													

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		02930a	SD-06 Test Reports														
			Soil Test	3.1.4.2	G AO												
			Percolation Test	3.1.4.1	G AO												
			SD-07 Certificates														
			Plant Material	2.1													
			Topsoil	2.2													
			pH Adjuster	2.3.1													
			Fertilizer	2.3.2													
			Organic Material	2.3.3													
			Soil Conditioner	2.3.4													
			Mycorrhizal Fungi Inoculum	2.9													
			Pesticide	2.11													
			SD-10 Operation and Maintenance Data														
			Maintenance Instructions	3.9.5	G AO												
		03300N	SD-02 Shop Drawings														
			Reinforcing steel	1.6.2.1	G AE												
			SD-03 Product Data														
			Materials for curing concrete	2.4.7													
			Joint sealants	2.4.10	G AO												
			Joint filler	2.4.9	G AO												
			Vapor barrier	2.4.6	G AO												
			Epoxy bonding compound	2.4.11	G AO												
			Waterstops	2.2.1	G AO												
			SD-05 Design Data														
			mix design	2.3.1	G G												

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		03300N	SD-06 Test Reports														
			Concrete mix design	1.6.4.1	G AO												
			Fly ash	1.6.4.2	G AO												
			Pozzolan	1.6.4.2	G AO												
			Ground iron blast-furnace slag	1.6.4.3	G AO												
			Aggregates	1.6.4.4	G AO												
			Compressive strength tests	3.10.2.3	G AO												
			Air Content	3.10.2.4	G AO												
			SD-07 Certificates														
			Curing concrete elements	1.6.3.1													
			Pumping concrete	1.6.3.2													
			Material Safety Data Sheets	1.6.3.3													
		03450	SD-02 Shop Drawings														
			wall panel	1.6.1	G AE												
			SD-03 Product Data														
			Cast-in embedded items and connectors	2.3	G AE												
			Connection devices	2.3.4	G AE												
			SD-04 Samples														
			finishing	2.4.7	G AE												
			SD-05 Design Data														
			design calculations	1.6.2	G AE												
			Contractor-furnished mix design	2.1.1	G AE												
			repair of surface defects	2.4.9	G AE												
			connection and embedment	1.6.3	G AE												
			design calculations														

SUBMITTAL REGISTER

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TITLE AND LOCATION HOSPITAL ADAL, USAF ACADEMY, CO						CONTRACTOR											
ACTIVITY NO	TRANSMITTAL NO	SPEC SECT	DESCRIPTION ITEM SUBMITTED	PARAGRAPH	GOVT CLASS SPEC ACTION OR REVIEW	CONTRACTOR: SCHEDULE DATES			CONTRACTOR ACTION		DATE FWD TO APPR AUTH/ DATE RCD FROM CONTR	APPROVING AUTHORITY				MAILED TO CONTR/ DATE RCD FRM APPR AUTH	REMARKS
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(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)
		03450	SD-06 Test Reports														
			Strength tests	3.3.1.2	G AO												
			SD-08 Manufacturer's Instructions														
			Installation	3.1	G AO												
			Cleaning	3.2	G AO												
			SD-11 Closeout Submittals														
			batch ticket information	1.6.6													
		04200	SD-03 Product Data														
			Concrete Masonry Units	2.3	G AO												
			Insulation	2.11	G AO												
			Flashing	2.12	G AO												
			Glazed Structural Clay Tile	2.4	G AO												
			Cold Weather Installation	3.1.2	G AO												
			SD-04 Samples														
			Glazed Structural Clay Tile	2.4	G AO												
			SD-07 Certificates														
			Concrete Masonry Units	2.3													
			Anchors and Bar Positioners	2.8													
			Joint Reinforcement	2.9													
			Reinforcing Steel Bars and Rods	2.10													
			Masonry Cement	2.6.4													
			Mortar Coloring	2.6.2													
			Insulation	2.11													
			Insulation	2.11													
			Precast Concrete Items	2.5													
			Admixtures for Masonry Mortar	2.6.1													

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		04200	Admixtures for Grout	2.7.1													
			SD-08 Manufacturer's Instructions														
			Masonry Cement	2.6.4													
		05120	SD-02 Shop Drawings														
			Erection drawings	1.6.2.1	G AE												
			Fabrication drawings	1.6.1	G AE												
			SD-03 Product Data														
			Shop primer	2.4	G AE												
			Load indicator washers	2.2.4	G AE												
			Load indicator bolts	2.2.5	G AE												
			SD-06 Test Reports														
			Class B coating	2.4													
			Bolts, nuts, and washers	2.2													
			SD-07 Certificates														
			Steel	2.1													
			Bolts, nuts, and washers	2.2													
			Shop primer	2.4													
			Welding electrodes and rods	2.3.1													
			Nonshrink grout	2.3.2													
			Galvanizing	2.5													
			AISC Quality Certification	1.5	G AO												
			Welding procedures and qualifications	1.6.2.2	G AO												
		05310N	SD-02 Shop Drawings														
			Layout	1.3.4	G AE												
			SD-03 Product Data														

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		05310N	Accessories	2.2	G AE												
			Mechanical fasteners	2.2.7	G AE												
			SD-05 Design Data														
			Deck units	2.3.1	G AE												
			SD-07 Certificates														
			Qualification of welders	1.3.2	G AO												
			Fire safety	1.3.3.1													
			Wind storm resistance	1.3.3.2													
		05500A	SD-02 Shop Drawings														
			Miscellaneous Metal Items	1.6	G AO												
		06100	SD-07 Certificates														
			Grading and Marking	2.1.1													
		06410a	SD-02 Shop Drawings														
			Shop Drawings	1.7	G AE												
			SD-03 Product Data														
			Cabinet Hardware	2.7	G AE												
			Wood Materials	2.1	G AE												
			SD-04 Samples														
			Plastic Laminates	2.4	G AO												
			Granite	2.3	G AO												
			Cabinet Hardware	2.7	G AO												
			SD-07 Certificates														
			Quality Assurance	1.4													
			Laminate Clad Casework	3.1													
		06650	SD-02 Shop Drawings														
			Shop Drawings	2.3													

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		06650	Installation	3.2													
			SD-03 Product Data														
			Solid polymer material	2.1	G AE												
			Qualifications	1.6													
			Fabrications	2.3													
			SD-04 Samples														
			Material	2.1	G AO												
			Counter Tops	2.3.4	G AO												
			Window Sills	2.3.3	G AO												
			SD-06 Test Reports														
			Solid polymer material	2.1													
			SD-07 Certificates														
			Fabrications	2.3													
			Qualifications	1.6													
			SD-10 Operation and Maintenance														
			Data														
			Solid polymer material	2.1	G AO												
			Clean-up	3.3	G AO												
		07110a	SD-07 Certificates														
			Dampproofing	2.1													
			Dampproofing	2.2													
		07212	SD-03 Product Data														
			Thermal blanket insulation	2.1	G AO												
			Sound attenuation blanket	2.1.2	G AO												
			insulation														
			SD-08 Manufacturer's Instructions														

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		07212	insulation	3.2.1	G AO												
		07214N	SD-03 Product Data														
			Rigid board insulation	2.1	G AO												
			Protection board or coating	2.2	G AO												
			Accessories	2.3	G AO												
			SD-08 Manufacturer's Instructions														
			Rigid Board Insulation	2.1	G AO												
			Adhesive	2.3.1	G AO												
		07216	SD-03 Product Data														
			Spray-on insulation	2.1	G AO												
			SD-08 Manufacturer's Instructions														
			Spray-on Insulation	2.1	G AO												
		07220a	SD-03 Product Data														
			Application of Insulation	3.5	G AO												
			Inspection	3.6	G AO												
			SD-07 Certificates														
			Insulation	2.2													
		07414	SD-02 Shop Drawings														
			Composite Aluminum Panels	2.1	G AE												
			SD-04 Samples														
			Composite Aluminum Panels	2.1	G AO												
			SD-07 Certificates														
			Composite Aluminum Panels	2.1													
		07551a	SD-03 Product Data														
			EVT and Flash Point	3.5	G AE												
			Materials	3.13	G AE												

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		07551a	Installation	3.8	G AE												
			SD-07 Certificates														
			Manufacturer	1.2													
			Materials	3.13	G AE												
		07600a	SD-02 Shop Drawings														
			Materials	2.1	G AO												
		07810	SD-03 Product Data														
			Fireproofing Material	3.3	G AO												
			SD-04 Samples														
			Spray-Applied Fireproofing	2.1	G AO												
			SD-06 Test Reports														
			Fire Resistance Rating	1.7	G AO												
			Field Tests	3.5	G AO												
			SD-07 Certificates														
			Installer Qualifications	1.5	G AO												
			Surface Preparation Report	3.1	G AO												
			Manufacturer's Inspection Report	3.5.4	G AO												
		07840a	SD-02 Shop Drawings														
			Firestopping Materials	2.1	G AO												
			SD-07 Certificates														
			Firestopping Materials	2.1	G AO												
			Installer Qualifications	1.5	G AO												
			Inspection	3.3	G AO												
		07900a	SD-03 Product Data														
			Backing	2.1	G AO												
			Bond-Breaker	2.2	G AO												

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		07900a	Sealant	2.4	G AO												
			SD-07 Certificates														
			Sealant	2.4													
		08110	SD-02 Shop Drawings														
			Doors	2.1	G AE												
			Frames	2.4	G AE												
			Accessories	2.3	G AE												
			SD-03 Product Data														
			Doors	2.1	G AE												
			Frames	2.4	G AE												
			Accessories	2.3	G AE												
		08120	SD-02 Shop Drawings														
			Doors and framing	2.1	G AE												
			SD-08 Manufacturer's Instructions														
			Doors and framing	2.1	G AE												
		08210	SD-02 Shop Drawings														
			Doors	2.1	G AE												
			SD-03 Product Data														
			Doors	2.1	G AE												
			Accessories	2.2	G AE												
			Water-resistant sealer	2.3.7	G AE												
			warranty	1.4	G AE												
			Fire resistance rating	2.1.3	G AE												
			SD-04 Samples														
			Doors	2.1	G AO												
			Door finish	2.3.6.1	G AO												

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		08210	SD-06 Test Reports														
			Split resistance	2.4	G AE												
			Cycle-slam	2.4	G AE												
			Hinge loading resistance	2.4	G AE												
		08331a	SD-02 Shop Drawings														
			Approved Detail Drawings	3.1	G AE												
			SD-03 Product Data														
			Rolling Counter Doors	2.1	G AE												
			Installation	3.1	G AE												
			Cleaning	3.2	G AE												
			SD-10 Operation and Maintenance Data														
			Operation	2.4	G AO												
		08600	SD-02 Shop Drawings														
			Shop Drawings	3.2	G AE												
			SD-03 Product Data														
			Skylight systems	2.4	G AE												
			Warranty	1.6	G AE												
			SD-06 Test Reports														
			Test Reports		G AE												
			SD-07 Certificates														
			Skylight systems	2.4	G AE												
			Qualifications	1.4	G AE												
		08710	SD-02 Shop Drawings														
			Hardware schedule	1.3	G AE												
			Keying system	2.3.6	G AE												

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		08710	SD-03 Product Data														
			Hardware items	2.3	G AE												
			SD-08 Manufacturer's Instructions														
			Installation	3.1	G AE												
			SD-10 Operation and Maintenance														
			Data														
			Hardware Schedule	1.3	G AO												
			SD-11 Closeout Submittals														
			Key biting	1.4	G AE												
		08810	SD-02 Shop Drawings														
			Installation	3.2	G AE												
		09100N	SD-02 Shop Drawings														
			Metal support systems	2.1	G AE												
		09200A	SD-03 Product Data														
			Lath and Plaster	3.3	G AO												
			SD-07 Certificates														
			Qualifications	1.3	G AO												
			Gypsum Plaster	2.4	G AO												
		09215a	SD-03 Product Data														
			Materials	2.1	G AO												
			SD-07 Certificates														
			Fire Resistive Construction	1.7													
		09225A	SD-02 Shop Drawings														
			Lath	3.3	G AO												
			Stucco	3.6	G AO												
			SD-03 Product Data														

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		09225A	Materials	1.3	G AO												
		09250	SD-03 Product Data														
			Cementitious backer units	2.1.6	G AO												
			Glass Mat Water-Resistant	2.1.4	G AO												
			Gypsum Tile Backing Board														
			Water-Resistant Gypsum Backing Board	2.1.3	G AO												
			Glass Mat Covered or Reinforced Gypsum Sheathing	2.1.5	G AO												
			Glass Mat Covered or Reinforced Gypsum Sheathing Sealant	2.1.5.1	G AO												
			Accessories	2.1.10	G AO												
			SD-07 Certificates														
			Asbestos Free Materials	2.1	G AO												
		09310	SD-03 Product Data														
			Ceramic Tile	2.1	G AO												
			Granite Tile	2.2	G AO												
			Setting-Bed	2.3	G AO												
			Mortar, Grout, and Adhesive	2.5	G AO												
			SD-04 Samples														
			Ceramic Tile	2.1	G AO												
			Granite Tile	2.2	G AO												
			Marble Thresholds	2.6	G AO												
			SD-07 Certificates														
			Ceramic Tile	2.1													
			Granite Tile	2.2													

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		09310	Mortar, Grout, and Adhesive	2.5													
		09510	SD-03 Product Data														
			Acoustical Units	2.1													
			Suspension System	2.2													
			SD-04 Samples														
			Acoustical Units	2.1													
			SD-06 Test Reports														
			Fire Resistive Ceilings	1.3.1													
			Ceiling Attenuation Class and Test	1.3.2													
			SD-07 Certificates														
			Acoustical Units	2.1													
		09650	SD-02 Shop Drawings														
			Sheet Flooring	2.3													
			Tile Flooring	2.2													
			SD-03 Product Data														
			Tile Flooring	2.2													
			Sheet Flooring	2.3													
			Accessories for Sheet Vinyl	2.3.4													
			Integral Coved Base	2.3.2													
			Adhesive for Sheet Vinyl	2.3.3													
			Adhesive for Vinyl Composition Tile	2.2.2													
			Adhesive for Wall Base	2.2.3													
			SD-04 Samples														
			Tile Flooring	2.2	G												

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		09650	Sheet Flooring	2.3	G												
			Seaming Bead	2.3.1.1	G												
			Wall Base	2.5	G												
			SD-06 Test Reports														
			Moisture Test	3.3													
			SD-08 Manufacturer's Instructions														
			Sheet Flooring	2.3													
			Tile Flooring	2.2													
			SD-10 Operation and Maintenance														
			Data														
			Data Package 1		G AO												
		09680A	SD-03 Product Data														
			Carpet	2.1													
			Surface Preparation	3.1													
			Installation	3.4													
			Regulatory Requirements	1.3													
			SD-04 Samples														
			Carpet	2.1	G AO												
			Molding	2.3													
			SD-06 Test Reports														
			Moisture and Alkalinity Tests	3.2													
			SD-07 Certificates														
			Carpet	2.1													
			Regulatory Requirements	1.3													
			SD-10 Operation and Maintenance														
			Data														

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		09680A	Carpet	2.1	G AO												
			Cleaning and Protection	3.5	G AO												
		09900	SD-02 Shop Drawings														
			Piping identification	3.10													
			stencil	3.10													
			SD-03 Product Data														
			Coating	2.1													
			Manufacturer's Technical Data	2.1													
			Sheets														
			SD-04 Samples														
			Color	1.9													
			SD-07 Certificates														
			Applicator's qualifications	1.3													
			Qualification Testing	1.4.1.2													
			SD-08 Manufacturer's Instructions														
			Application instructions	3.2.1													
			Mixing	3.6.2													
			Manufacturer's Material Safety	1.7.2													
			Data Sheets														
			SD-10 Operation and Maintenance														
			Data														
			Coatings:	2.1	G AO												
		10153	SD-02 Shop Drawings														
			Toilet Enclosures	2.1	G AO												
			Urinal Screens	2.2	G AO												
			SD-03 Product Data														

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		10153	Toilet Enclosures	2.1	G AO												
			Urinal Screens	2.2	G AO												
			Hardware	2.3	G AO												
			Finishes	2.4	G AO												
			SD-04 Samples														
			Finishes	2.4	G AO												
		10201N	SD-02 Shop Drawings														
			Wall louvers	2.2	G AO												
		10260	SD-02 Shop Drawings														
			Corner Guards	2.2	G AO												
			Wall Guards (Bumper Rails)	2.3	G AO												
			Handrails	2.3	G AO												
			SD-03 Product Data														
			Corner Guards	2.2	G AO												
			Wall Guards (Bumper Rails)	2.3	G AO												
			Handrails	2.3	G												
			SD-04 Samples														
			Finish	2.5	G AO												
			SD-06 Test Reports														
			Corner Guards	2.2													
			Wall Guards (Bumper Rails)	2.3													
			Handrails	2.3													
			SD-07 Certificates														
			Corner Guards	2.2													
			Wall Guards (Bumper Rails)	2.3													
			Handrails	2.3													

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		10270A	SD-02 Shop Drawings														
			Floor Panels	2.1	G AE												
			Panel Support System	2.2	G AE												
			SD-03 Product Data														
			Floor Panels	2.1	G AE												
			Panel Support System	2.2	G AE												
			SD-04 Samples														
			Floor Panels	2.1	G AO												
			Panel Support System	2.2	G AO												
			SD-06 Test Reports														
			Tests	2.3													
			Testing of Electrical Resistance	3.2													
			SD-07 Certificates														
			Floor Panels	2.1													
			Panel Support System	2.2													
		10800	SD-03 Product Data														
			Accessory Items	2.2													
			SD-04 Samples														
			Accessory Items	2.2													
			SD-07 Certificates														
			Accessory Items	2.2													
		10990	SD-03 Product Data														
			items	2.2													
			SD-07 Certificates														
			Porcelain enamel chalkboard surfaces	2.1.4													

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		10990	SD-10 Operation and Maintenance Data														
			Ice Maker	2.2.11	G AO												
			Projection Screen	2.2.10	G AO												
			Q-Matic System	2.2.14	G AO												
		11702	SD-03 Product Data														
			items	2.2	G AE												
			SD-10 Operation and Maintenance Data														
			Surgical Service Column	2.2.1	G AO												
			Clock, Elapsed Time	2.2.2	G AO												
			Warming Cabinet	2.2.5	G AO												
			Exam Light	2.2.6	G AO												
			Exam Light	2.2.7	G AO												
			Surgical Light	2.2.8	G AO												
			Film Illuminator	2.2.10	G AO												
		12350A	SD-02 Shop Drawings														
			Approved Detail Drawings	2.1	G AO												
			SD-03 Product Data														
			Casework	2.1	G AO												
			SD-04 Samples														
			Casework	2.1	G AO												
			SD-07 Certificates														
			Casework	2.1													
		13090A	SD-02 Shop Drawings														
			Lead Sheet	2.1	G AO												

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		13090A	Lead-Lined Gypsum Wallboard	2.2	G AO												
			Lead Discs	2.3	G AO												
			Lead-Lined Wood Doors	2.4	G AO												
			Lead-Lined Steel Door Frames	2.5	G AO												
			Designating Plaques	2.6	G AO												
			SD-03 Product Data														
			Lead Sheet	2.1	G AO												
			Lead-Lined Gypsum Wallboard	2.2	G AO												
			Lead Discs	2.3	G AO												
			Lead-Lined Wood Doors	2.4	G AO												
			Lead-Lined Steel Door Frames	2.5	G AO												
			Designating Plaques	2.6	G AO												
			SD-07 Certificates														
			Lead Sheet	2.1													
			Lead-Lined Gypsum Wallboard	2.2													
			Lead Discs	2.3													
			Lead-Lined Wood Doors	2.4													
			Lead-Lined Steel Door Frames	2.5													
			Designating Plaques	2.6													
		13095A	SD-02 Shop Drawings														
			Installation	3.1	G AO												
			SD-03 Product Data														
			EM Shielding System	3.1.1	G AO												
			Installation	3.1	G AO												
			Quality Control Plan	3.5	G AO												
			Qualifications	1.5	G AO												

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		13095A	Qualifications of Welders	1.5.2	G AO												
			EM Door	3.6.4.1	G AO												
			Filter Assemblies	2.5.4	G AO												
			Penetrations	1.2	G AO												
			SD-06 Test Reports														
			Sound Transmission Class (STC)	2.3.4													
			Swinging Door Static Load Test	2.4.3.1													
			Swinging Door Sag Test	2.4.3.2													
			Door Closure Test	2.4.3.3													
			Handle-Pull Test	2.4.3.4													
			Door Electromagnetic Shielding	2.4.3.5													
			Test														
			Current Overload Capability	2.5.2.7													
			Insertion Loss Measurements	2.5.5.2													
			Filter Life Test at Elevated	2.5.5.3													
			Ambient Temperature														
			Voltage Drop Measurements	2.5.5.1													
			Filter Dielectric Withstand Voltage	2.5.2.9													
			Test														
			Insulation Resistance Test	2.5.5.8													
			EM Shielding Effectiveness	2.2													
			Terminals Pull Test	2.5.5.11													
			Harmonic Distortion Test	2.5.5.10													
			Reactive Shunt Current	2.5.5.6													
			Measurements														
			Voltage Breakdown	2.5.5.7													

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		13095A	ESA Extinguishing Test	2.6.1.3													
			ESA Extreme Duty Discharge	2.6.1.4													
			Test														
			Surge Life	2.6.2													
			Waveguide Installation	3.3													
			Field Testing	3.6.2													
			SD-10 Operation and Maintenance														
			Data														
			EM Shielding System	3.1.1	G AO												
		13100A	SD-02 Shop Drawings														
			Drawings	3.1.2	G AE												
			SD-07 Certificates														
			Materials	2.1	G AE												
		13120	SD-02 Shop Drawings														
			Manufacturer's Details		G AE												
			SD-03 Product Data														
			Product and Company History		G AE												
			SD-04 Samples														
			Samples		G AE												
			SD-10 Operation and Maintenance														
			Data														
			Information on Mechanical and		G AE												
			Electrical Systems														
			Calculations	2.6.9	G AE												
		13280A	SD-03 Product Data														
			Respiratory Protection Program	1.12	G AE												

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		13280A	Cleanup and Disposal	3.11	G AE												
			Detailed Drawings	3.6.5.2	G AE												
			Materials and Equipment														
			Qualifications	1.5	G AE												
			Training Program	1.11	G AE												
			Medical Requirements	1.10	G AE												
			Encapsulants	2.1	G AE												
			SD-06 Test Reports														
			Exposure Assessment and Air Monitoring	3.9	G AE												
			Local Exhaust Ventilation	1.20	G AE												
			Licenses, Permits and Notifications	1.14	G AE												
			SD-07 Certificates														
			Vacuum, Filtration and Ventilation Equipment														
		13720A	SD-02 Shop Drawings														
			Final System Drawings		G AO												
			SD-03 Product Data														
			Test Procedures		G AO												
			SD-05 Design Data														
			Electronic Security System		G AE												
			SD-06 Test Reports														
			Test Reports		G AO												
			SD-10 Operation and Maintenance Data														

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		13720A	Training		G AO												
			Operation and Maintenance		G AO												
			Instructions														
		13851A	SD-02 Shop Drawings														
			Fire Alarm Reporting System	1.4.1	G AE												
			SD-03 Product Data														
			Storage Batteries	1.4.5	G AE												
			Voltage Drop	2.2	G AE												
			Special Tools and Spare Parts	2.6.6	G AE												
			Technical Data and Computer	1.5	G AE												
			Software														
			Training	3.6	G AE												
			Testing	3.5	G AE												
			SD-06 Test Reports														
			Testing	3.5	G AE												
			SD-07 Certificates														
			Equipment	1.4.6	G AE												
			Qualifications	1.3.7	G AE												
			SD-10 Operation and Maintenance														
			Data														
			Technical Data and Computer	1.5	G AO												
			Software														
		13930A	SD-02 Shop Drawings														
			Shop Drawings	3.1	G AE												
			Standpipe System Shop Drawings	2.9.2	G AE												
			SD-03 Product Data														

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		13930A	Fire Protection Related Submittals	3.1	G AE												
			Components and Equipment Data	3.1	G AE												
			Hydraulic Calculations	1.7	G AE												
			Spare Parts	2.11.1	G AE												
			Spare Parts	3.1	G AE												
			Preliminary Test Procedures	3.9	G AE												
			Final Acceptance Test Procedures	3.10	G AE												
			On-site Training Schedule	3.11	G AE												
			On-site Training Schedule	3.11	G AE												
			Preliminary Tests	3.9	G AE												
			Final Acceptance Test	3.10	G AE												
			Fire Protection Specialist	1.8	G AE												
			Sprinkler System Installer Qualifications	1.9	G AE												
			SD-06 Test Reports														
			Preliminary Test Report	3.9	G AO												
			Final Acceptance Test Reports	3.10	G AO												
			SD-07 Certificates														
			Fire Protection Specialist Inspection	3.3	G AO												
			SD-10 Operation and Maintenance Data														
			Wet Pipe Sprinkler and Standpipe System	1.2	G AE												
		15080A	SD-03 Product Data														

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		15080A	General Materials	2.1	G AE												
		15181A	SD-02 Shop Drawings														
			Piping System	2.4	G AE												
			SD-03 Product Data														
			Piping System	2.4	G AE												
			Qualifications	1.3													
			Field Tests	3.4													
			Demonstrations	3.6													
			SD-06 Test Reports														
			Field Tests	3.4													
			SD-07 Certificates														
			Service Organization	2.1													
			SD-10 Operation and Maintenance														
			Data														
			Operation Manuals	3.6	G AO												
			Maintenance Manuals	3.6	G AO												
		15405A	SD-02 Shop Drawings														
			Control Diagrams	3.19	G AE												
			Plumbing System	3.18.1	G AE												
			SD-03 Product Data														
			Welding	1.3.2.1	G AO												
			Fixtures	2.4	G AE												
			Fixtures and Fixture Trimmings	3.13	G AE												
			Vibration-Absorbing Features	3.14	G AE												
			Framed Instructions	3.19	G AE												
			SD-06 Test Reports														

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		15405A	Tests, Flushing and Disinfection	3.18	G AO												
			SD-07 Certificates														
			Station Outlets	2.12.1													
			Materials and Equipment	1.3.1													
			Bolts	2.1.1													
			SD-10 Operation and Maintenance														
			Data														
			Plumbing System	3.18.1	G AO												
		15556A	SD-02 Shop Drawings														
			Heating System	3.16.1	G AO												
			SD-03 Product Data														
			Spare Parts														
			Welding	3.3	G AO												
			Framed Instructions	3.19	G AO												
			SD-06 Test Reports														
			Testing and Cleaning	3.16	G AO												
			SD-07 Certificates														
			Bolts	2.2.9													
			SD-10 Operation and Maintenance														
			Data														
			Heating System	3.16.1	G AO												
		15700A	SD-02 Shop Drawings														
			Drawings	1.5.2	G AE												
			SD-03 Product Data														
			Unitary Equipment	2.4	G AE												
			Unitary Equipment	2.5	G AE												

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		15700A	Posted Instructions	3.6													
			Verification of Dimensions	1.5.1													
			System Performance Tests	3.5													
			Demonstrations	3.6	G AO												
			SD-06 Test Reports														
			Refrigerant Tests, Charging, and Start-Up	3.4	G AO												
			System Performance Tests	3.5													
			SD-07 Certificates														
			Unitary Equipment	2.4													
			Unitary Equipment	2.5													
			Service Organization	2.1	G AO												
			SD-10 Operation and Maintenance Data														
			Operation	3.6	G AO												
			Maintenance Manuals	3.6	G AO												
		15895A	SD-02 Shop Drawings														
			Drawings	3.1.2	G AE												
			SD-03 Product Data														
			Components and Equipment	2.1	G AE												
			System Diagrams	3.1	G AE												
			Similar Services	2.1	G AE												
			Testing, Adjusting and Balancing	3.8	G AE												
			Field Training	3.10													
			SD-06 Test Reports														
			Performance Tests	3.9													

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		15895A	SD-10 Operation and Maintenance Data														
			Operating and Maintenance Instructions	3.10	G AO												
		15951A	SD-02 Shop Drawings														
			HVAC Control System	3.1.1	G AE												
			SD-03 Product Data														
			Service Organization	1.6													
			Equipment Compliance Booklet	1.6	G AE												
			Commissioning Procedures	3.4	G AE												
			Performance Verification Test Procedures	1.6	G AE												
			Training	3.6	G AO												
			SD-06 Test Reports														
			Commissioning Report	3.6.2	G AO												
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NPDES General Permit for Storm Water Discharges From Construction Activities

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**National Pollutant Discharge Elimination System
General Permit for Discharges from
Large and Small Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, operators of large and small construction activities that are described in Subpart 1.3 of this National Pollutant Discharge Elimination System (NPDES) general permit, except for those activities excluded from authorization of discharge in Subpart 1.3.C of this permit are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein. Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Appendix A.

This permit shall become effective on July 1, 2003.

This permit and the authorization to discharge shall expire at midnight, July 1, 2008.

Signed:

Linda M. Murphy, Director, Office of Ecosystem Protection
EPA Region 1

Kevin Bricke, Acting Director, Division of Environmental Planning and Protection
EPA Region 2

Carlos E. O'Neill, P.E., Acting Division Director, Caribbean Environmental Protection Division
EPA Region 2

John M. Capacasa, Director, Water Protection Division
EPA Region 3

Rebecca Harvey, Chief, NPDES Program Branch
EPA Region 5

Miguel I. Flores, Director, Water Quality Protection Division
EPA Region 6

Leo J. Alderman, Director, Water, Wetlands, and Pesticides Division
EPA Region 7

Stephen S. Tuber, Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance
EPA Region 8

Nancy Woo, Acting Director, Water Division
EPA Region 9

Randall F. Smith, Director, Office of Water
EPA Region 10

The signatures are for the permit conditions in Parts 1 through 9 and Appendices A through G and for any additional conditions which apply to facilities located in the corresponding state, Indian country, or other area.

PART 1: COVERAGE UNDER THIS PERMIT

1.1 Introduction

This Construction General Permit (CGP) authorizes storm water discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface waters of the United States or a municipal separate storm sewer system (MS4) leading to surface waters of the United States subject to the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity designated by EPA where EPA makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the United States. This permit replaces two permits issued in 1998 (63 FR 7858, February 17, 1998 for EPA Regions 1, 2, 3, 7, 8, 9, and 10 and 63 FR 36489, July 6, 1998 for EPA Region 6). Any references to the 1998 CGP in this permit refer to those two permits.

This permit is presented in a reader-friendly, plain language format. This permit uses the terms “you” and “your” to identify the person(s) who owns or operates a “facility” or “activity” as defined in Appendix A and who must comply with the conditions of this permit. This format should allow you, the permittee and operator of a large or small construction activity, to easily locate and understand applicable requirements.

The goal of this permit is to reduce or eliminate storm water pollution from construction activity by requiring that you plan and implement appropriate pollution control practices to protect water quality.

1.2 Permit Area

If your large or small construction activity is located within the areas listed in Appendix B, you may be eligible to obtain coverage under this permit. Permit coverage is actually provided by legally separate and distinctly numbered permits covering each of the areas listed in Appendix B.

1.3 Eligibility

Permit eligibility is limited to discharges from “large” and “small” construction activity as defined in Appendix A or as otherwise designated by EPA. This general permit contains eligibility restrictions, as well as permit conditions and requirements. You may have to take certain actions to be eligible for coverage under this permit. In such cases, you must continue to satisfy those eligibility provisions to maintain permit authorization. If you do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if you do not comply with the requirements of the general permit, you may be in violation of the general permit for your otherwise eligible discharges.

A. Allowable Storm Water Discharges

Subject to compliance with the terms and conditions of this permit, you are authorized to discharge pollutants in:

1. Storm water associated with large and small construction activity as defined in Appendix A;
2. Storm water discharges designated by EPA as needing a storm water permit under 40 CFR §122.26(a)(1)(v) or §122.26(b)(15)(ii);
3. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
 - a. The support activity is directly related to the construction site required to have NPDES permit coverage for discharges of storm water associated with construction activity;
 - b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - c. Appropriate controls and measures are identified in a Storm Water Pollution Prevention Plan (SWPPP) covering the discharges from the support activity areas; and
4. Discharges composed of allowable discharges listed in 1.3.A and 1.3.B commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

B. Allowable Non-Storm Water Discharges

You are authorized for the following non-storm water discharges, provided the non-storm water component of the discharge is in compliance with Subpart 3.5 (Non-Storm Water Discharge Management):

1. Discharges from fire-fighting activities;
2. Fire hydrant flushings;
3. Waters used to wash vehicles where detergents are not used;
4. Water used to control dust in accordance with Subpart 3.4.G;
5. Potable water including uncontaminated water line flushings;
6. Routine external building wash down that does not use detergents;
7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
8. Uncontaminated air conditioning or compressor condensate;
9. Uncontaminated ground water or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
11. Uncontaminated excavation dewatering;
12. Landscape irrigation.

C. Limitations on Coverage

1. This permit does not authorize post-construction discharges that originate from the site after construction activities have been completed and the site has achieved final stabilization, including any temporary support activity. Post-construction storm water discharges from industrial sites may need to be covered by a separate NPDES permit.
2. This permit does not authorize discharges mixed with non-storm water. This exclusion does not apply to discharges identified in Subpart 1.3.B, provided the discharges are in compliance with Subpart 3.5 (Non-Storm Water Discharge Management).
3. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Subpart 4.2.
4. This permit does not authorize discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Subpart 4.2. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures in your SWPPP designed to bring your discharge into compliance with water quality standards.
5. *Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis*
 - a. You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA unless you incorporate into your SWPPP measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate into your SWPPP any conditions applicable to your discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to your discharge, you must incorporate that allocation into your SWPPP and implement necessary steps to meet that allocation.
 - b. In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, you should consult with the State or Federal TMDL authority to confirm that adherence to a SWPPP that meets the requirements of the CGP will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not

specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of the CGP will generally be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under the CGP.

6. *Endangered and Threatened Species and Critical Habitat Protection*

- a. Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, as defined in Appendix A, are not likely to jeopardize the continued existence of any species that are federally-listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA (“critical habitat”).
- b. You are not eligible to discharge if the storm water discharges, allowable non-storm water discharges, or storm water discharge-related activities would cause a prohibited “take” of federally-listed endangered or threatened species (as defined under section 3 of the ESA and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the ESA.
- c. Determining Eligibility: You must use the process in Appendix C (ESA Review Procedures) to determine eligibility *PRIOR* to submittal of the Notice of Intent (NOI). You must meet one or more of the following six criteria (A-F) for the entire term of coverage under the permit:

- | | |
|--------------|---|
| Criterion A. | No federally-listed threatened or endangered species or their designated critical habitat are in the project area as defined in Appendix C; or |
| Criterion B. | Formal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded and that consultation: <ol style="list-style-type: none"> i. Addressed the effects of the project’s storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and ii. The consultation resulted in either: <ol style="list-style-type: none"> a. Biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or b. written concurrence from the Service(s) with a finding that the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat; or |
| Criterion C. | Informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded and that consultation: <ol style="list-style-type: none"> i. Addressed the effects of the project’s storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and ii. The consultation resulted in either: <ol style="list-style-type: none"> a. Biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or b. written concurrence from the Service(s) with a finding that the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat; or |
| Criterion D. | The construction activities are authorized through the issuance of a permit under section 10 of the ESA, and that authorization addresses the effects of the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed species and federally-designated critical habitat; or |
| Criterion E. | Storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect any federally-listed |

threatened or endangered species or result in the destruction or adverse modification of federally-designated critical habitat; or

- Criterion F. The project's storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities were already addressed in another operator's valid certification of eligibility under Criteria A-E which included your construction activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the project area. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based.

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. Such terms and conditions must be documented and incorporated into your SWPPP.

7. Historic Properties

[Reserved]

You are reminded that you must comply with applicable state, tribal and local laws concerning the protection of historic properties and places.

1.4 Waivers for Certain Small Construction Activities

Three scenarios exist under which small construction activities (see definition in Appendix A) may be waived from the NPDES permitting requirements detailed in this general permit. These exemptions are predicated on certain criteria being met and proper notification procedures being followed. Details of the waiver options and procedures for requesting a waiver are provided in Appendix D.

PART 2: AUTHORIZATION FOR DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITY

To obtain coverage under this general permit, you, the operator, must prepare and submit a complete and accurate Notice of Intent (NOI), as described in this Part. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage.

2.1 Authorization to Discharge Date

This permit is effective as of the publication date in the Federal Register and is effective for five years, expiring at midnight on the anniversary of publication in the fifth year.

- A. If you submit an NOI during the first 90 days after the issuance date of this permit you are authorized to discharge storm water from construction activities under the terms and conditions of this permit seven (7) calendar days after submittal to EPA of a complete and accurate NOI (i.e., 7 days from date of postmark), except as noted in Subpart 2.1.C.
- B. If you submit an NOI after the first 90 days of this permit and prior to the expiration date of this permit, you are authorized to discharge storm water from construction activities under the terms and conditions of this permit seven (7) calendar days after acknowledgment of receipt of your complete NOI is posted on EPA's NPDES website <http://www.epa.gov/npdes/stormwater/cgp>, except as noted in Subpart 2.1.C.
- C. EPA may delay your authorization based on eligibility considerations of Subpart 1.3 (e.g., ESA concerns). In these instances, you are not authorized for coverage under this permit until you receive notice from EPA of your eligibility.

2.2 Notice of Intent Contents

- A. You must use the NOI form provided in Appendix E (or a photocopy thereof) and available at www.epa.gov/npdes/stormwater/cgp. If EPA makes other NOI forms available (either directly, by public notice, or by making information available on the Internet), you may take advantage of any of those options to satisfy the NOI use requirements of this Subpart.
- B. You must provide the following information on the NOI form:
 1. The applicable permit number for which you are requesting coverage (See Appendix B);

2. Operator name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
3. Project/Site name, address, county or similar governmental subdivision, and latitude/longitude of your construction project or site;
4. Whether your site is located in Indian country and if so, the name of the Reservation, if applicable;
5. Whether the SWPPP has been prepared in advance of filing of this NOI and the location where the applicable SWPPP may be viewed;
6. Name of the water(s) of the U.S. into which your site discharges;
7. Indication whether your discharge is consistent with the assumptions and requirements of applicable EPA approved or established TMDLs;
8. Estimated dates of commencement of construction activity and final stabilization (i.e., project start and completion dates);
9. Total acreage (to the nearest quarter acre) to be disturbed for which you are requesting permit coverage;
10. Whether any federally-listed threatened or endangered species, or federally-designated critical habitat are in your project area to be covered by this permit, and the basis for certifying eligibility for permit coverage based on the instructions in Appendix C;
11. A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11, and the name and title of that authorized representative.

2.3 Submission Deadlines

- A. *New Projects*: To obtain coverage under this permit, you must submit a complete and accurate NOI and be authorized consistent with Subpart 2.1 prior to your commencement of construction activities.
- B. *Permitted Ongoing Projects (only applicable for first 90 days after this permit is issued)*: If you previously received authorization to discharge for your project under the 1998 CGP and you wish to continue coverage under this permit:
 1. Except as noted in 2.3.B.2, you must:
 1. Submit an NOI within 90 days of the issuance date of this permit, and
 2. Until you are authorized under this permit consistent with Subpart 2.1, comply with the terms and conditions of the 1998 CGP under which you were previously authorized.
 2. If you meet the termination of coverage requirements in accordance with Subpart 5.1 within 90 days of the issuance date of this permit (e.g., construction will be finished and final stabilization achieved) you must:
 1. Submit an NOT consistent with the 2003 CGP using the NOT form provided in Appendix F, and
 2. Until coverage is no longer required, comply with the terms and conditions of the 1998 CGP under which you were previously authorized.
- C. *Unpermitted Ongoing Projects (only applicable for first 90 days after this permit is issued)*: If you previously did not receive authorization to discharge for your project under the 1998 CGP and you wish to obtain coverage under this permit:
 1. Except as noted in 2.3.C.2, you must:
 1. Submit an NOI within 90 days of the issuance date of this permit, and
 2. Until you are authorized under this permit consistent with Subpart 2.1, comply with an interim Storm Water Pollution Prevention Plan (SWPPP) consistent with the 1998 CGP.
 2. If you meet the termination of coverage requirements in accordance with Subpart 5.1 within 90 days of the issuance date of this permit (e.g., construction will be finished and final stabilization achieved) you must comply with an interim Storm Water Pollution Prevention Plan (SWPPP) consistent with the 1998 CGP until permit coverage is no longer required.

- D. *Late Notifications:* Operators are not prohibited from submitting NOIs after initiating clearing, grading, excavation activities, or other construction activities. When a late NOI is submitted, authorization for discharges occurs consistent with Subpart 2.1. The Agency reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occur between the commencement of construction and discharge authorization.

2.4 Where to Submit

- A. Except as noted in Subpart 2.3.B, you must send your complete and accurate NOI to EPA at one of the following addresses:

For Regular U.S. Mail Delivery:

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

- B. In lieu of Subpart 2.4.A, when available, you may submit your NOI using EPA's electronic NOI system (i.e., eNOI) as detailed at www.epa.gov/npdes/stormwater/cgp.

PART 3: STORM WATER POLLUTION PREVENTION PLANS (SWPPPS)

3.1 Storm Water Pollution Prevention Plan Framework

- A. A SWPPP must be prepared prior to submission of an NOI as required in Part 2. At least one SWPPP must be developed for each construction project covered by this permit and such SWPPP must be prepared in accordance with good engineering practices.
- B. The SWPPP must:
1. Identify all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site;
 2. Describe practices to be used to reduce pollutants in storm water discharges from the construction site; and
 3. Assure compliance with the terms and conditions of this permit.
- C. Once a definable area has been finally stabilized, you may mark this on your SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).
- D. You must implement the SWPPP as written from commencement of construction activity until final stabilization is complete.

3.2 Requirements for Different Types of Operators

You may meet one or both of the operational control components in the definition of operator found in Appendix

- A. Subpart 3.2.C applies to all permittees having control over only a portion of a construction site.

- A. If you have operational control over construction plans and specifications, you must ensure that:

1. The project specifications meet the minimum requirements of this Subpart and all other applicable permit conditions;
2. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
3. All other permittees implementing portions of the SWPPP (or their own SWPPP) who may be impacted by a change to the construction plan are notified of such changes in a timely manner; and
4. The SWPPP indicates the name of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.

- B. If you have operational control over day-to-day activities, you must ensure that:
1. The SWPPP meets the minimum requirements of this Subpart and identifies the parties responsible for implementation of control measures identified in the plan;
 2. The SWPPP indicates areas of the project where you have operational control over day-to-day activities;
 3. The SWPPP indicates the name of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).
- C. If you have operational control over only a portion of a larger project (e.g., one of four homebuilders in a subdivision), you are responsible for compliance with all applicable terms and conditions of this permit as it relates to your activities on your portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of best management practices (BMPs) and other controls required by the SWPPP. You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollution control ineffective. You must either implement your portion of a common SWPPP or develop and implement your own SWPPP.

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

3.3 Pollution Prevention Plan Contents: Site and Activity Description

- A. The SWPPP must identify all operators for the project site, and the areas of the site over which each operator has control.
- B. The SWPPP must describe the nature of the construction activity, including:
1. The function of the project (e.g., low density residential, shopping mall, highway, etc.);
 2. The intended sequence and timing of activities that disturb soils at the site;
 3. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas; and
 4. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and waters of the United States within one mile of the site.
- C. The SWPPP must contain a legible site map, showing the entire site, identifying:
1. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities;
 2. Areas of soil disturbance and areas that will not be disturbed;
 3. Locations of major structural and nonstructural BMPs identified in the SWPPP;
 4. Locations where stabilization practices are expected to occur;
 5. Locations of off-site material, waste, borrow or equipment storage areas;
 6. Locations of all waters of the United States (including wetlands);
 7. Locations where storm water discharges to a surface water; and
 8. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
- D. The SWPPP must describe and identify the location and description of any storm water discharge associated with industrial activity other than construction at the site. This includes storm water discharges from dedicated asphalt plants and dedicated concrete plants, that are covered by this permit.

3.4 Pollution Prevention Plan Contents: Controls to Reduce Pollutants

- A. The SWPPP must include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation.
- B. The SWPPP must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
- C. The following records must be maintained as part of the SWPPP:
 - 1. Dates when major grading activities occur;
 - 2. Dates when construction activities temporarily or permanently cease on a portion of the site; and
 - 3. Dates when stabilization measures are initiated.
- D. The SWPPP must include a description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable.
- E. The SWPPP must include a description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges after construction operations have been completed. Structural measures should be placed on upland soils to the degree practicable. Such measures must be designed and installed in compliance with applicable federal, local, state or tribal requirements.
- F. The SWPPP must describe measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the CWA.
- G. The SWPPP must describe measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
- H. The SWPPP must include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP must also include a description of controls, including storage practices, to minimize exposure of the materials to storm water, and spill prevention and response practices.
- I. The SWPPP must include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

3.5 Non-Storm Water Discharge Management

The SWPPP must identify all allowable sources of non-storm water discharges listed in Subpart 1.3.B of this permit, except for flows from fire fighting activities, that are combined with storm water discharges associated with construction activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

3.6 Maintenance of Controls

- A. All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections required by Subpart 3.10 identify BMPs that are not operating effectively, maintenance must be performed as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of storm water controls.
- B. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.
- C. Sediment from sediment traps or sedimentation ponds must be removed when design capacity has been reduced by 50 percent.

3.7 Documentation of Permit Eligibility Related to Endangered Species

The SWPPP must include documentation supporting a determination of permit eligibility with regard to Endangered Species, including:

- A. Information on whether federally-listed endangered or threatened species, or federally-designated critical habitat may be in the project area;
- B. Whether such species or critical habitat may be adversely affected by storm water discharges or storm water discharge-related activities from the project;
- C. Results of the Appendix C listed species and critical habitat screening determinations;
- D. Confirmation of delivery of NOI to EPA or to EPA's electronic NOI system. This may include an overnight, express or registered mail receipt acknowledgment; or electronic acknowledgment from EPA's electronic NOI system.
- E. Any correspondence for any stage of project planning between the U.S. Fish and Wildlife Service (FWS), EPA, the U.S. National Marine Fisheries Service (NMFS), or others and you regarding listed species and critical habitat, including any notification that delays your authorization to discharge under this permit;
- F. A description of measures necessary to protect federally-listed endangered or threatened species, or federally-designated critical habitat. The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

3.8 Copy of Permit Requirements

Copies of this permit and of the signed and certified NOI form that was submitted to EPA must be included in the SWPPP. Also, upon receipt, a copy of the letter from the EPA Storm Water Notice Processing Center notifying you of their receipt of your administratively complete NOI must also be included as a component of the SWPPP.

3.9 Applicable State, Tribal, or Local Programs

The SWPPP must be consistent with all applicable federal, state, tribal, or local requirements for soil and erosion control and storm water management, including updates to the SWPPP as necessary to reflect any revisions to applicable federal, state, tribal, or local requirements for soil and erosion control.

3.10 Inspections

- A. Inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which schedule you will be following.
 - 1. At least once every 7 calendar days, OR
 - 2. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- B. Inspection frequency may be reduced to at least once every month if:
 - 1. The entire site is temporarily stabilized,
 - 2. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or
 - 3. Construction is occurring during seasonal arid periods in arid areas and semi-arid areas.
- C. A waiver of the inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
 - 1. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);
 - 2. Land disturbance activities have been suspended; and
 - 3. The beginning and ending dates of the waiver period are documented in the SWPPP.
- D. Inspections must be conducted by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact

storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

- E. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- F. Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in Subpart 3.10.E above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected on the same frequencies as other construction projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.
- G. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:
 1. The inspection date;
 2. Names, titles, and qualifications of personnel making the inspection;
 3. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
 4. Weather information and a description of any discharges occurring at the time of the inspection;
 5. Location(s) of discharges of sediment or other pollutants from the site;
 6. Location(s) of BMPs that need to be maintained;
 7. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 8. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
 9. Corrective action required including any changes to the SWPPP necessary and implementation dates.

A record of each inspection and of any actions taken in accordance with this Part must be retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Appendix G, Section 11 of this permit.

3.11 Maintaining an Updated Plan

- A. The SWPPP, including the site map, must be amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP.
- B. The SWPPP must be amended if during inspections or investigations by site staff, or by local, state, tribal or federal officials, it is determined that the discharges the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site.
- C. Based on the results of an inspection, the SWPPP must be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within

seven (7) calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as described in Subpart 3.6.B.

3.12 Signature, Plan Review and Making Plans Available

- A. A copy of the SWPPP (including a copy of the permit), NOI, and acknowledgement letter from EPA must be retained at the construction site (or other location easily accessible during normal business hours to EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization. If you have day-to-day operational control over SWPPP implementation, you must have a copy of the SWPPP available at a central location on-site for the use of all those identified as having responsibilities under the SWPPP whenever they are on the construction site. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.
- B. A sign or other notice must be posted conspicuously near the main entrance of the construction site. If displaying near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. The sign or other notice must contain the following information:
 1. A copy of the completed Notice of Intent as submitted to the EPA Storm Water Notice Processing Center; and
 2. If the location of the SWPPP or the name and telephone number of the contact person for scheduling SWPPP viewing times has changed (i.e., is different than that submitted to EPA in the NOI), the current location of the SWPPP and name and telephone number of a contact person for scheduling viewing times.

For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road).

- C. SWPPPs must be made available upon request by EPA; a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff for review and copying at the time of an on-site inspection.
- D. All SWPPPs must be signed and certified in accordance with Appendix G, Section 11.

3.13 Management Practices

- A. All control measures must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the operator must replace or modify the control for site situations as soon as practicable.
- B. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- C. Litter, construction debris, and construction chemicals that could be exposed to storm water must be prevented from becoming a pollutant source in storm water discharges.
- D. Except as provided below, stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
 1. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 2. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the site.

3. In arid, semiarid, and drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within 14 days after construction activity has temporarily or permanently ceased, final vegetative stabilization measures must be initiated as soon as practicable.
- E. A combination of sediment and erosion control measures are required to achieve maximum pollutant removal.
1. Sediment Basins: For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment controls must be used where site limitations would preclude a safe design.
 2. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
 3. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.
- F. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

3.14 Documentation of Permit Eligibility Related to Total Maximum Daily Loads

The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an EPA-established or approved TMDL, including:

- A. Identification of whether your discharge is identified, either specifically or generally, in an EPA-established or approved TMDL and any associated allocations, requirements, and assumptions identified for your discharge;
- B. Summaries of consultation with State or Federal TMDL authorities on consistency of SWPPP conditions with the approved TMDL, and
- C. Measures taken by you to ensure that your discharge of pollutants from the site is consistent with the assumptions and requirements of the EPA-established or approved TMDL, including any specific wasteload allocation that has been established that would apply to your discharge.

See section 1.3.C.5 for further information on determining permit eligibility related to TMDLs.

PART 4: SPECIAL CONDITIONS, MANAGEMENT PRACTICES AND OTHER NON-NUMERIC LIMITATIONS

4.1 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:

- A. Reissuance or replacement of this permit, at which time you must comply with the conditions of the new permit to maintain authorization to discharge; or
- B. Your submittal of a Notice of Termination; or
- C. Issuance of an individual permit for the project's discharges; or
- D. A formal permit decision by EPA to not reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

4.2 Requiring an Individual Permit or an Alternative General Permit

- A. EPA may require you to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA to take action under this paragraph. If EPA requires you to apply for an individual NPDES permit, EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if you are an existing permittee covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to you, coverage under this general permit will automatically terminate. Applications must be submitted to EPA at the applicable EPA Regional offices listed in Appendix B of this permit. EPA may grant additional time to submit the application upon your request. If you are covered under this permit and you fail to submit in a timely manner an individual NPDES permit application as required by EPA, then the applicability of this permit to you is automatically terminated at the end of the day specified by EPA as the deadline for application submittal.
- B. You may request to be excluded from the coverage of this general permit by applying for an individual permit. In such a case, you must submit an individual application in accordance with the requirements of 40 CFR §122.26(c)(1)(ii), with reasons supporting the request, to EPA at the applicable EPA Regional office listed in Appendix B of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if your reasons are adequate to support the request.
- C. When an individual NPDES permit is issued to you, who are otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If you, who are otherwise subject to this permit, are denied an individual NPDES permit or an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the date of such denial, unless otherwise specified by EPA.

4.3 Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in storm water discharges from the construction site must be prevented or minimized in accordance with the SWPPP. This permit does not relieve you of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302, occurs during a 24-hour period:

- you must provide notice to the National Response Center (NRC) (800–424–8802; in the Washington, DC, metropolitan area call 202–426–2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and
- you must modify the SWPPP as required under Subpart 3.11 within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. Plans must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

4.4 Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

4.5 Attainment of Water Quality Standards After Authorization

- A. You must select, install, implement and maintain BMPs at your construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained in Subpart 4.5.B below, your SWPPP developed, implemented, and updated consistent with Part 3.0 is considered as stringent as necessary to ensure that your discharges do not cause or contribute to an excursion above any applicable water quality standard.
- B. At any time after authorization, EPA may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, EPA will require you to:
 - i. Develop a supplemental BMP action plan describing SWPPP modifications in accordance with Subpart 3.11 to address adequately the identified water quality concerns;
 - ii. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - iii. Cease discharges of pollutants from construction activity and submit an individual permit application according to Subpart 4.2.

All written responses required under this part must include a signed certification consistent with Appendix G, Section 11.

PART 5: TERMINATION OF COVERAGE

5.1 Requirements

You may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:

- A. Final stabilization has been achieved on all portions of the site for which you are responsible;
- B. Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized;
- C. Coverage under an individual or alternative general NPDES permit has been obtained; or
- D. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

The NOT must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates at midnight of the day the NOT is signed.

5.2 Submitting a Notice of Termination

It is your responsibility to submit a complete and accurate Notice of Termination (NOT), using the form provided in Appendix F (or a photocopy thereof) available at www.epa.gov/npdes/stormwater/cgp. If EPA notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOT form options (e.g., electronic submission), you may take advantage of those options to satisfy the requirements of Part 5.

- A. The Notice of Termination must include the following information:
 1. The NPDES permit tracking number for the storm water discharge;
 2. The basis for submission of the NOT, including: final stabilization has been achieved on all portions of the site for which the permittee is responsible; another operator/permittee has assumed control over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or, for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner;
 3. You, the operator's name, address, telephone number and your organization's Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
 4. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted; and
 5. A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11 and the name and title of that authorized representative.

5.3 Where to Submit

A. All NOTs must be submitted to one of the following addresses:

For Regular U.S. Mail Delivery:

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

B. In lieu of Subpart 5.3.A, you can submit your NOT to EPA using EPA's electronic system (i.e., eNOI), when available. Check www.epa.gov/npdes/stormwater/cgp for updates.

PART 6: RETENTION OF RECORDS

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

PART 7: REOPENER CLAUSE

7.1 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

7.2 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit in accordance with Part 4.5 of this permit, or the permit may be modified to include different limitations and/or requirements.

7.3 Timing of Permit Modification

EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, that may be promulgated in the course of the current permit cycle.

PART 8: STANDARD PERMIT CONDITIONS

The federal regulations require that the Standard Conditions provisioned at 40 CFR §122.41 be applied to all NPDES permits. You are required to comply with those Standard Conditions, details of which are provided in Appendix G.

PART 9: PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY, OR TERRITORIES

The provisions of this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and federal facilities. States, Indian country, and federal facilities not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

State Coastal Zone Management Act (CZMA) certification was not received from Massachusetts in time for that state to be included in this permit. As such, large construction activities in Massachusetts covered under the 1998 CGP will continue to be covered under that permit. EPA will reissue the CGP for Massachusetts for large and small construction activities at a later date, and will include any state-specific modifications or additions as part of the State's CZMA certification process.

A. Region 1

1. MAR100000: Commonwealth of Massachusetts, except Indian country

a. State Water Quality Statutes, Regulations, and Policies:

- i. You must comply with the Massachusetts Clean Waters Act (Ch. 21, ss. 23-56).
- ii. You must comply with the conditions in 314 CMR 4.00 - Surface Water Quality Standards.
- iii. You must comply with the conditions in 314 CMR 3.00 - Surface Water Discharge Permit Program.
- iv. You must comply with the Wetlands Protection Act, Ch. 131, s. 40 and its regulations, 310 CMR 10.00 and any order of Conditions issued by a Conservation Commission or a Superseding Order of Conditions issued by the Massachusetts Department of Environmental Protection.

b. Department of Environmental Protection Storm Water Management Policy:

- i. You must comply with the Massachusetts Storm Water Management Policy, March 1997 and applicable Storm Water Performance Standards, as prescribed by state regulations promulgated under the authority of the Massachusetts Clean Waters Act, MGL Ch. 21, ss. 23-56 and the Wetlands Protection Act Ch. 131, s. 40.

c. Other State Environmental Laws, Regulations, Policies:

- i. You must comply with the Massachusetts Endangered Species Act [MESA] (MGL Ch. 313A and regulations at 321 CMR 10.00) and any actions undertaken to comply with this storm water permit, shall not result in non-compliance with the MESA.
- ii. You must not conduct activities under this permit that will interfere with implementation of mosquito control work conducted in accordance with Chapter 252 including, s. 5A thereunder and DEP Guideline Number BRP G01-02, West Nile Virus Application of Pesticides to Wetland Resource Areas and Buffer Zones, and Public Water Systems.

d. Other Department Directives:

- i. The Department may require you to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority at 314 CMR 3.00.
- ii. The Department may require you to provide measurable verification of the effectiveness of BMPs and other control measures in your management program, including water quality monitoring.
- iii. The Department has determined that compliance with this permit does not protect you from enforcement actions deemed necessary by the Department under its associated regulations to address an imminent threat to the public health or a significant adverse environmental impact which results in a violation of the Massachusetts Clean Waters Act, Ch. 21, ss. 26-53.
- iv. The Department reserves the right to modify the 401 Water Quality Certification if any changes, modifications or deletions are made to the general permit. In addition, the Department reserves the right to add and/or alter the terms and conditions of its 401 Water Quality Certification to carry out its responsibilities during the term of this permit with respect to water quality, including any revisions to 314 CMR 4.00, Surface Water Quality Standards.

e. Permit Compliance

- i. Should any violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or the conditions of this certification occur, the Department will direct you to correct the violations(s). The Department has the right to take any action as authorized by the General Laws of the Commonwealth to address the violation of this permit or the MA Clean Waters Act and the regulations promulgated thereunder. Substantial civil and criminal penalties are authorized under MGL Ch. 21, s. 42 for discharging into Massachusetts' waters in violation of an order or permit issued by this Department. This certification does not relieve the you of the duty to comply with other applicable Massachusetts statutes and regulations.

2. NHR100000: State of New Hampshire

- a. If you disturb 100,000 square feet or more of contiguous area, you must also apply for a "Significant Alteration of the Terrain Permit from DES pursuant to RSA 485-A:17 and Env-Ws 415. This requirement

applies to the disturbances of only 50,000 square feet when construction occurs within the protected shoreline (see RSA 483-B and Env-Ws 1400).

- b. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-storm water discharge under this permit (see Subpart 1.3.B). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the discharge. Information on groundwater contamination can be generated over the Internet via the NHDES web site www.des.state.nh.us (One Stop Data Retrieval, Onestop Master Site Table). The web site also provides E-mail access to an NHDES Site Remediation Contact to answer questions about using the Web site.
- c. You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at a location prior to mixing with storm water at least once per week during weeks when discharges occur. The samples must be analyzed for total suspended solids (TSS) and must meet monthly average and maximum daily TSS limitations of 50 milligrams per liter (mg/L) and 100 mg/L, respectively. TSS (a.k.a. Residue, Nonfilterable) analysis and sampling must be performed in accordance with Tables IB (parameter, units and method) and II (required containers, preservation techniques and holding times) in 40 CFR 136.3 (see: http://www.access.gpo.gov/nara/cfr/waisidx_02/40cfr136_02.html). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.
- d. During site design and preparation of the storm water pollution prevention plan (SWPPP), you must consider opportunities for groundwater recharge using on-site infiltration. The SWPPP must include a description of any on-site infiltration that will be installed as a post construction storm water management measure (see Subpart 3.4.E) or reasons for not employing such measures. For design considerations for infiltration measures see the September 2001 DES publication titled "Managing Storm Water as a Valuable Resource" which is available online at: www.des.state.nh.us/StormWater/construction.htm. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures wherever feasible.

B. Region 2

1. NYR10000I: Indian country within the State of New York

St. Regis Mohawk Territory at Akwesasne

- a. NOIs shall also be submitted to the St. Regis Mohawk Tribe, Environment Division, at the same time they are submitted to EPA, at the following address:

St. Regis Mohawk Tribe, Environment Division
412 State Route 37
Akwesasne, NY 13655
Attn: Clean Water Program Manager.
- b. In addition, Storm Water Pollution Prevention Plans (and any updates or amendments thereto) must be submitted to the Environment Division and to the Tribal Historic Preservation Officer at least thirty (30) days in advance of corresponding Notices of Intent. This will allow the Environment Division and the THPO to make an informed determination as to whether any proposed discharges might adversely impact the quality of its surface or groundwater, or disturb sites of historic or cultural significance to the Tribe that may be listed, or eligible to be listed, on the National Register of Historic Places.
- c. Within 10 days of the inspection required under Subpart 3.10.G of this permit, the permittee shall provide a copy of the Inspection Report to the Environment Division.

C. Region 6

1. NMR150000: The State of New Mexico, except Indian country

NOTE: Conditions in the New Mexico Environment Department (NMED) certification of the permit resulted in permit requirements adding further restrictions on eligibility for discharges to Outstanding National Resource Waters (ONRWs), expanding on requirements for pollution prevention plans, and limiting options provided in the permit related to inspection frequency and final stabilization.

- a. In addition to all other provisions of this permit, operators who intend to obtain authorization under this permit for all new storm water discharges must satisfy the conditions in Subpart 9.C.1.a.i, unless a TMDL has been established for the receiving stream which specifies a waste load allocation (WLA) for

construction storm water discharges or the receiving stream is a Tier 3 water, in which case Subpart 9.C.1.a.ii applies.

- i. The operator must include a Sediment Control Plan (SCP) as a part of the Storm Water Pollution Prevention Plan (SWPPP). The SCP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion, and sediment control BMPs and/or other controls that are designed to prevent an increase in the sediment yield and flow velocity from pre-construction, undisturbed conditions. This applies to discharges both during construction and after construction operations have been completed. The SCP must identify, and document the rationale for selecting these BMPs and/or other controls. The SCP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, as well as expected performance and longevity of the BMPs. Using appropriate soil loss prediction models (such as SEDCAD 4.0, RUSLE, SEDIMONT II, MULTISED, etc.), the operator(s) must demonstrate, and include documentation in the SCP, that implementation of the site-specific practices will result in sediment yields that will not be greater than the sediment yield levels from pre-construction, undisturbed conditions. The SCP must be prepared in accordance with good engineering practices and certified by a registered professional engineer. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SCP and the SWPPP.
 - ii. Operators are not eligible to obtain authorization under this permit for all new storm water discharges to outstanding national resource waters (ONRWs) (also referred to as “Tier 3: waters”). According to the Antidegradation Policy at Paragraph 3 of Subsection A of 20.6.4.8 NMAC, in part, “ONRWs may include, but are not limited to, surface waters of the state within national and state monuments, parks, wildlife refuges, waters of exceptional recreational or ecological significance, and waters identified under the Wild and Scenic Rivers Act.” No ONRWs exist at the time this permit is being finalized; however, during the term of the permit, if a receiving water is designated as an ONRW, the operator must obtain an individual permit for storm water discharges from large and small construction activities.
- b. Storm water discharges associated with industrial activity to Clean Water Act section 303(d) waters as well as all other “waters of the State” that the New Mexico Environment Department, Surface Waters Quality Bureau (SWQB) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard and/or that do not comply with the applicable anti-degradation provisions of the State’s WQS are not authorized by this permit.

Note: Upon receipt of this determination, NMED anticipates that, within a reasonable period of time, EPA will notify the general permittee to apply for and obtain an individual NPDES permit for these discharges per 40 CFR Part 122.28(b)(3).

- c. Inspections required under Subpart 3.10 must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. The option for inspections at least once per 7 calendar days is not available. The Inspection Waivers provided in Parts 3.10.B and C still apply.
- d. Permittees can not use temporary erosion controls as described in item 3 of the Appendix A definition of “Final Stabilization” as a method for final stabilization under the permit.
- e. Signed copies of discharge monitoring reports, individual permit applications, and all other reports required by the permit to be submitted, shall also be sent to:

Program Manager
Point Source Regulation Section
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502

2. NMR15000I: Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I
 - a. *Pueblo of Acoma* The following conditions apply only to discharges on the Pueblo of Acoma.

- i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Haaku Water Office at the address below. The pollution prevention plan must be submitted to the Pueblo at least thirty (30) days in advance of submitting the Notice of Intent to EPA.

HAAKU WATER OFFICE
Pueblo of Acoma
P.O. Box 309
Pueblo of Acoma, NM 87034

- b. *Pueblo of Isleta* The following conditions apply only to discharges on the Pueblo of Isleta.

- i. Subpart 1.3.C.4, (Eligibility, Limitations on Coverage) first sentence, is revised to read: "This permit does not authorize discharges that EPA or the Pueblo of Isleta, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard or impairment of a designated use of receiving waters."
- ii. Subpart 2.4. (Where to Submit) is amended to add the following section (2.4.C):
 - C. Copies of all Notices of Intent submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address. Discharges are not authorized by this permit unless an accurate and complete Notice of Intent has been submitted to the Pueblo of Islet

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department
Pueblo of Isleta
P.O. Box 1270
Isleta, NM 87022

Environment Department
Building L
11000 Broadway, SE
Albuquerque, NM 87105

- iii. Part 2 (Authorizations for Discharges of Storm Water from Construction Activity), second sentence, is amended to read: "Discharges are not authorized if your NOI is incomplete or inaccurate, if you failed to submit a copy of the NOI to the Pueblo of Isleta, or if you were never eligible for permit coverage."
- iv. Subpart 3.4. (Pollution Prevention Plan Contents: Controls to Reduce Pollutants), section A, last sentence, is amended to read: "For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation and maintenance."
- v. Subpart 3.8 (Copy of Permit Requirements), first sentence, is revised to read "Copies of this permit and of the signed and certified NOI form that was submitted to the Pueblo of Isleta and EPA must be included in the SWPPP."
- vi. Subpart 3.10.(Inspections), section A is revised to read "Inspections must be conducted at least once every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater."
- vii. Subpart 3.10. (Inspections), section G, last paragraph, is amended to add: "Copies of inspection reports that identify incidents of noncompliance shall be sent to Pueblo of Isleta at the address listed in Subpart 2.4.C." (See above)
- viii. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section A, first sentence is amended to read: "A copy of the SWPPP (including a copy of the permit) must be retained at the construction site (or other location easily accessible during normal business hours to the Pueblo of Isleta's Environmental Department, EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization."
- ix. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section C. is amended to read: "SWPPPs must be made available upon request by EPA; representatives of the Pueblo of Isleta Environment Department, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the

SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff and the Pueblo of Isleta's Environment Department staff for review and copying at the time of an on-site inspection.

- x. Subpart 3.13. (Management Practices), section A is amended to add: "Erosion and sediment controls shall be designed to retain sediment on-site."
- xi. Subpart 4.3 (Releases in Excess of Reportable Quantities), first bullet is amended to read: "you must provide notice to the Pueblo of Isleta Environment Department (505-869-5748) and the National Response Center (NRC) (800-424-8802; in the Washington, DC, metropolitan area call 202-426-2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and"
- xii. Subpart 4.5 (Attainment of Water Quality Standards After Authorization), is amended to add the following fourth bullet:

"You must provide the Pueblo of Isleta, at the address listed in Subpart 2.4.C, with a copy of the EPA notification, the supplemental action plan, data and certification required by EPA."
- xiii. Subpart 5.3. (Where to Submit) is amended to add the following section (5.3.C):

C. Copies of all Notices of Termination submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address.

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department
 Pueblo of Isleta
 P.O. Box 1270
 Isleta, NM 87022

Environment Department
 Building L
 11000 Broadway, SE
 Albuquerque, NM 87105

- xiv. Any correspondence, other than NOIs and NOTs, with the Pueblo of Isleta concerning storm water discharges authorized by this permit shall sent one of the addresses in Subpart 5.3.C (see above).
- xv. Appendix G, Section 9, first sentence is amended to read:

"You must allow the Pueblo of Isleta's Environment Department, EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to."
- xvi. Appendix G, Section 12, subsections A, B, C, F, G and H are amended to require that when you must notify EPA of an event (e.g., planned changes, anticipated noncompliance, transfers, required reporting due to potential adverse effects or environmental impacts or other noncompliance matters), the Pueblo of Isleta must also be notified.
- xvii. Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta at the address specified in Subpart 5.3.C (See above) at the time it is submitted to EPA.
- c. *Pueblo of San Juan.* The following conditions apply only to discharges on the Pueblo of San Juan.
 - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the time it is provided to the Environmental Protection Agency, at the following address:

Office of Environmental Affairs
 Pueblo of San Juan
 P.O. Box 717
 San Juan, NM 87566
 - ii. Appendix G, Section 10 (Monitoring and records), item D is amended to add:

"All monitoring must be conducted in accordance with the Pueblo of San Juan's Quality Assurance Project Plan."
- d. *Pueblo of Sandia.* The following conditions apply only to discharges on the Pueblo of Sandia.

- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the same time it is submitted to the Environmental Protection Agency.

Environment Department
Pueblo of Sandia
Box 6008
Bernalillo, NM 87004

- ii. The Storm Water Pollution Prevention Plan must be available to tribal environmental personnel upon request.
 - iii. You must telephone the Pueblo of Sandia Environment Department at (505) 867-4533 of any noncompliance that may endanger human health or the environment within ten (10) hours of becoming aware of the circumstance.
- e. *Santa Clara Pueblo*. The following conditions apply only to discharges on the Santa Clara Pueblo.

- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Santa Clara Pueblo Office of Environmental Affairs at the same time it is submitted to the Environmental Protection Agency.

Santa Clara Pueblo
Office of Environmental Affairs
One Knee Street
P.O. Box 580
Espanola, NM 87532

- f. *Pueblo of Tesuque* The following conditions apply only to discharges on the Pueblo of Tesuque.

- i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Pueblo of Tesuque Environment Department at the address below. The Notice of Intent and the Notice of Termination must be submitted at the same time they are submitted to EPA. The pollution prevention plan must be submitted before the project begins. Phone: 505- 983-2667 FAX: 505-982-2331

Pueblo of Tesuque
Environment Department
Rt. 42, Box 360-T
Santa Fe, NM 87506

3. OKR15000F: Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

- a. Subpart 1.3.C. (Limitations on Coverage) is modified to add paragraphs 8 and 9 as follows:

“8. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated “ORW” (Outstanding Resource Water) in Oklahoma’s Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Discharges from ongoing activities such as sand and gravel mining or any other mineral mining are not authorized.

9. Activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated “ORW” (Outstanding Resource Water) in Oklahoma’s Water Quality Standards, this permit may not be used to authorize discharges from concrete or asphalt batch plants.”

D. Region 8

1. MTR10000I: Indian country within the State of Montana

- a. Confederated Salish and Kootenai Tribes of the Flathead Nation. The following conditions apply only for projects on the Flathead Indian Reservation:

- i. The permittee must send the SWPPP to the Tribes at least 30 days before construction starts. The 30 day period will give Tribal staff time to become familiar with the project site, prepare for construction inspections and determine compliance with Tribal water quality standards, as required by the Tribe's Water Quality Management Ordinance 89B (1990) and Surface Water Quality Standards & Antidegradation Policy (1995). Copies of the SWPPP should be sent to the following address:

Confederated Salish and Kootenai Tribes
Natural Resources Department
Department Head
P.O. Box 278
Pablo, MT 59855

- ii. Before submitting the Notice of Termination, permittees must clearly demonstrate to an appointed tribal staff person during an on-site inspection that requirements for site stabilization have been met and all temporary erosion control structures removed. The staff person performing the on-site inspection will be determined by the Environmental Protection Division Manager. The staff person will draft a short letter stating the stabilization requirements have been met to add to the permittees Notice of Termination submission to EPA.
 - iii. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the address above.
- b. Fort Peck Tribes - Assiniboine & Sioux. The following conditions apply only for projects within the Fort Peck Indian Reservation:
 - i. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the following address:

Deb Madison
Environmental Program Manager
Fort Peck Assiniboine & Sioux Tribes
P.O. Box 1027
Poplar, MT 59255

E. Region 9

1. ASR100000: The Island of American Samoa
 - a. Discharges authorized by the general permit shall meet all applicable American Samoa water quality standards.
 - b. Permittees discharging under the general permit shall comply with all conditions of the permit.
2. AZR100000: Indian country lands within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah
 - a. White Mountain Apache Tribe. The following condition applies only for projects on the White Mountain Apache Reservation: All NOIs for proposed storm water discharge coverage shall be provided to the following address:

Tribal Environmental Planning Office
P.O. Box 2109
Whiteriver, AZ 85941
3. NIR100000: Commonwealth of the Northern Mariana Islands (CNMI)
 - a. An Earthmoving and Erosion Control Permit shall be obtained from the CNMI DEQ prior to any construction activity covered under the NPDES general permit.
 - b. All conditions and requirements set forth in the USEPA NPDES general permit for discharges from large and small construction must be complied with.

- c. A SWPPP for storm water discharges from construction activity must be approved by the Director of the CNMI DEQ prior to the submission of the NOI to USEPA. The CNMI address for the submittal of the SWPPP for approval is:

Commonwealth of the Northern Mariana Islands
Office of the Governor
Director, Division of Environmental Quality (DEQ)
P.O. Box 501304 C.K.
Saipan, MP 96950-1304
- d. An NOI to be covered by the general permit for discharges from large and small construction sites must be submitted to CNMI DEQ (use above address) and USEPA, Region 9, in the form prescribed by USEPA, accompanied by a SWPPP approval letter from CNMI DEQ.
- e. The NOI must be postmarked seven (7) calendar days prior to any storm water discharges and a copy must be submitted to the Director of CNMI DEQ (use above address) no later than seven (7) calendar days prior to any stormwater discharges.
- f. Copies of all monitoring reports required by the NPDES general permit must be submitted to CNMI DEQ (use above address).
- g. In accordance with section 10.3(h) and (i) of the CNMI water quality standards, CNMI DEQ reserves the right to deny coverage under the general permit and to require submittal of an application for an individual NPDES permit based on a review of the NOI or other information made available to the Director.

F. Region 10

- 1. AKR100000: The State of Alaska, except Indian country
 - a. Operators of construction projects disturbing five or more acres occurring outside the Municipality of Anchorage must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the State of Alaska Department of Environmental Conservation (ADEC) for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
 - b. Operators of publicly-funded projects disturbing five or more acres occurring within the Municipality of Anchorage must submit a copy of the SWPPP and a copy of the NOI to the ADEC for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
 - c. Operators of construction projects disturbing at least one acre and less than five acres must submit a copy of the NOI to the ADEC at the same time it is submitted to the EPA.
 - d. Storm Water Pollution Prevention Plans and Notices of Intent must be submitted to ADEC at the following address:

Alaska Department of Environmental Conservation
Water Quality Permitting/Storm Water
555 Cordova Street
Anchorage, Alaska 99501
 - e. Operators of private construction projects disturbing one or more acres within the Municipality of Anchorage shall submit a copy of the Storm Water Pollution Prevention Plan to the Municipality at the following address:

Municipality of Anchorage, Office of Planning Development and Public Works
4700 S. Bragaw Street
P.O. Box 196650
Anchorage, Alaska 99519-6650
 - f. Submittal of the SWPPP to the Municipality of Anchorage should be made before or at the same time the NOI is submitted to the EPA and the ADEC and shall be accompanied by any Municipality-required fee.

2. IDR100000: The State of Idaho, except Indian country
- Any construction related storm water discharges to impaired water bodies on Idaho's Clean Water Act (CWA) Section 303(d) list with EPA-approved Total Maximum Daily Loads (TMDL) must be consistent with any load allocations established by the applicable TMDL.
 - No net increase of listed pollutants is allowed in any construction related storm water discharges to an impaired water body considered "high priority" as included on Idaho's CWA Section 303(d) list that does not yet have an EPA-approved TMDL.
 - If a TMDL has not been established for an impaired water body considered "medium priority" or "low priority" as included on Idaho's CWA Section 303(d) list, BMPs shall be employed as necessary to prohibit further impairment of the designated or existing beneficial uses.
 - Only BMPs authorized by the appropriate designated agency as defined in the Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02 et seq.), or otherwise approved by the Idaho Department of Environmental Quality, will be allowed.
 - Use of the "Equivalent Analysis Waiver" in Addendum D is not authorized.
 - Operators may contact the Idaho Department of Environmental Quality regional office nearest the construction activity for more information about impaired waterways:

Boise Regional Office:

1445 N. Orchard
Boise ID 83706-2239
Tel: (208)373-0550
Fax: (208)373-0287

Cascade Satellite Office:

109 N. Main St., PO Box 247
Cascade, ID 83611
Tel: (208)382-6808
Fax: (208)382-3327

Coeur d'Alene Regional Office:

2110 Ironwood Parkway
Coeur d'Alene ID 83814
Tel: (208)769-1422
Fax: (208)769-1404

Grangeville Satellite Office:

300 W. Main
Grangeville ID 83530
Tel: (208)983-0808
Fax: (208)983-2873

Idaho Falls Regional Office:

900 N. Skyline, Suite B
Idaho Falls, ID 83402
Tel: (208)528-2650
Fax: (208)528-2695

Lewiston Regional Office:

1118 "F" Street
Lewiston, ID 83501
Tel: (208)799-4370
Toll Free: 1-877-541-3304
Fax: (208)799-3451

Pocatello Regional Office:

444 Hospital Way #300
Pocatello ID 83201
Tel: (208)236-6160
Fax: (208)236-6168

Twin Falls Regional Office:

601 Pole Line Road, Suite 2
Twin Falls, ID 83301
Tel: (208)736-2190
Fax: (208)736-2194

3. ORR100001: Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9):
- Confederated Tribes of the Umatilla Indian Reservation. The following conditions apply only for projects within the exterior boundaries of the Umatilla Indian Reservation:
 - The operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.
 - The operator shall submit all Erosion Control and/or Storm Water Pollution Prevention Plans to the CTUIR Water Resources Program for review and approval by the Department of Natural Resources Director prior to submitting the Notice of Intent to EPA and prior to beginning any discharge activities.
 - The operator shall contact the CTUIR Tribal Historic Preservation Office (THPO) prior to beginning any construction activities to determine whether a cultural resource survey of the project area or other investigation is required. All cultural resource fieldwork must be conducted by qualified personnel and documented using Oregon Reporting Standards. The resulting report must be submitted to the THPO for concurrence at least 30 days before any ground disturbing work can occur at the site. The operator must obtain THPO concurrence in the form of a letter, which (if necessary) will include any measures that must be taken to prevent or mitigate adverse effects to potentially eligible historic properties, prior to any ground disturbing work.
 - The operator shall submit copies of the Notice of Intent to the CTUIR Water Resources Program and the CTUIR Tribal Historic Preservation Office at the same time it is submitted to EPA.

- v. Erosion Control and Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
P.O. Box 638
Pendleton, OR 97801
(541) 276-3447

Confederated Tribes of the Umatilla Indian Reservation
Cultural Resources Protection Program
Tribal Historic Preservation Office
P.O. Box 638
Pendleton, OR 97801
(541) 276-3629

- b. Confederated Tribes of Warm Springs. The following conditions apply only for projects on the Warm Springs Indian Reservation:
- i. All activities covered by this NPDES general permit occurring within a designated riparian buffer zone as established in Ordinance 74 (Integrated Resource Management Plan or IRMP) must be reviewed, approved and permitted through the Tribe's Hydraulic Permit Application process, including payment of any applicable fees.
 - ii. All activities covered by this NPDES general permit must follow all applicable land management and resource conservation requirements specified in the IRMP.
 - iii. Operators of activities covered by this NPDES general permit must submit a Storm Water Pollution Prevention Plan to the Tribe's Water Control Board at the following address for approval at least 30 days prior to beginning construction activity:

Chair, Warm Springs Water Control Board
P.O. Box C
Warm Springs, Oregon 97761

4. WAR10000F: Federal Facilities in the State of Washington, except those located on Indian Country

The following conditions apply to stormwater discharges from all permitted construction sites which disturb one acre or more and which discharge to surface waters (40 CFR part 122.26(b)(14)(x) and 122.26 (b)(15)):

- a. Discharges must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923). Discharges that are not in compliance with these standards are not authorized.
- b. You must apply all known available and reasonable methods of prevention, control and treatment (AKART), including the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
- c. Stormwater BMPs must be properly designed, constructed, maintained and operated to:
 - i. Prevent pollution of state waters and protect water quality, including compliance with applicable state water quality standards;
 - ii. Satisfy state requirements for all known available and reasonable methods of prevention, control and treatment (AKART) of wastes (including construction stormwater runoff) prior to discharge to waters of the state; and
 - iii. Satisfy the federal technology-based treatment requirements under 40 CFR part 125.3.
- d. You must document the technical basis for the design criteria used to select and design your stormwater management BMPs. You must document within your Stormwater Pollution Prevention Plan (SWPPP) how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected, the technical basis (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected, and an assessment of how the selected BMP will

comply with state water quality standards, satisfy the state AKART requirements, and satisfy the federal technology-based treatment requirements.

If you choose to follow the stormwater management practices contained in stormwater technical manuals approved by Washington State, including the proper selection, implementation and maintenance of appropriate BMPs, you are presumed to have satisfied this demonstration requirement and do not need to include within the SWPPP the technical basis which support the performance claims for the BMPs being used. The SWPPP must include a reference to the manual used. Approved stormwater technical manuals include:

- i. Stormwater Management Manual for Western Washington, August 2001, for sites west of the crest of the Cascade Mountains;
 - ii. Stormwater Management Manual for Eastern Washington, (completion expected in the fall of 2003) for sites east of the crest of the Cascade Mountains; or
 - iii. Other equivalent stormwater management guidance documents approved by Ecology.
- e. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters listed as impaired by the state under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, and/or phosphorus are subject to an effluent limitation that is equal to the applicable water quality standards at the point of discharge. If impairment is due to turbidity and/or fine sediment, the turbidity at the point of discharge shall not exceed the background (upstream) turbidity of the receiving water.
- i. Effluent limitations apply to direct discharges to listed waterbodies as well as indirect discharges via a stormwater conveyance system.
 - ii. All references and requirements associated with Section 303(d) of the Clean Water Act shall use the most current listing by Ecology of impaired waters that exists at the time of application for coverage under this permit
- f. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters for which there is a total maximum daily load (TMDL) allocation or other control plan that addresses sediment (including turbidity, fine sediment, total suspended solids or siltation), high pH, or phosphorus must be consistent with the requirements in the approved TMDL or applicable control plan. Control plans may be total maximum daily load (TMDL) determinations, restrictions for the protection of endangered species, ground water management plans, or other limitations that regulate or set limits on discharges to a specific waterbody or groundwater recharge area.

Information on impaired waterways is available from the Department of Ecology web site at: <http://www.ecy.wa.gov/programs/wq/stormwater>. You may also contact the Department of Ecology for more information about impaired waterways at:

Mailing Address:

Department of Ecology
Stormwater Unit
PO Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6000

Physical Address:

Department of Ecology
300 Desmond Drive
Lacey, WA 98503
Phone: 360-407-6000

5. WAR10000I: Indian country within the State of Washington
- a. Puyallup Tribe of Indians. The following conditions apply only for projects on the Puyallup Reservation:
 - i. Each operator shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards.

- ii. Each operator shall submit all Pollution Prevention Plans to the Puyallup Tribe Environmental Department for review and approval prior to beginning any discharge activities.
 - iii. Each operator shall submit a copy of the Notice of Intent to the Puyallup Tribal Environmental Department at the same time it is submitted to EPA.
 - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
Puyallup Tribe Natural Resources, Environmental Department
1850 Alexander Avenue
Tacoma, WA 98421
- b. Confederated Tribes of the Chehalis Reservation. The following conditions apply only for projects on the Chehalis Reservation:
- i. The operator shall be responsible for achieving compliance with the Chehalis Tribe's Water Quality Standards.
 - ii. The operator shall submit a Storm Water Pollution Prevention Plan to the Chehalis Tribe Department of Natural Resources for review and approval at least thirty (30) days prior to beginning any discharge activities.
 - iii. The operator shall submit a copy of the Notice of Intent to the Chehalis Tribe Department of Natural Resources at the same time it is submitted to EPA.
 - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
Chehalis Tribe Department of Natural Resources
420 Howanut Road
Oakville, WA 98568

Appendix A - Definitions and Acronyms

Definitions

“Arid Areas” means areas with an average annual rainfall of 0 to 10 inches.

“Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Commencement of Construction Activities” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

“Control Measure” as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“CWA” means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Discharge” when used without qualification means the “discharge of a pollutant.”

“Discharge of Storm Water Associated with Construction Activity” as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

“Eligible” means qualified for authorization to discharge storm water under this general permit.

“Facility” or “Activity” means any “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“Federal Facility” means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

“Final Stabilization” means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you,
 - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.
4. For individual lots in residential construction, final stabilization means that either:
 - a. The homebuilder has completed final stabilization as specified above, or

- b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “water of the United States,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

“Indian country” is defined at 40 CFR §122.2 to mean:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Large Construction Activity” is defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Municipal Separate Storm Sewer System” or “MS4” is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“New Project” means the “commencement of construction activities” occurs after the effective date of this permit.

“Ongoing Project” means the “commencement of construction activities” occurs before the effective date of this permit.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of storm water associated with construction activity.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Permitting Authority” means the United States Environmental Protection Agency, EPA, a Regional Administrator of the Environmental Protection Agency or an authorized representative.

“Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

“Pollutant” is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Project Area” means:

- The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes storm water to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where storm water flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
- The areas where storm water from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where storm water from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where storm water BMPs will be constructed and operated, including any areas where storm water flows to and from BMPs. (Example: Where a storm water retention pond would be built.)
- The areas upstream and /or downstream from construction activities discharges into a stream segment that may be affected by the said discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

“Receiving water” means the “Water of the United States” as defined in 40 CFR §122.2 into which the regulated storm water discharges.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Semi-Arid Areas” means areas with an average annual rainfall of 10 to 20 inches.

“Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

“Small Construction Activity” is defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Discharge-Related Activities” as used in this permit, include: activities that cause, contribute to, or result in storm water point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control storm water including the siting, construction and operation of BMPs to control, reduce or prevent storm water pollution.

“Total Maximum Daily Load” or “TMDL” means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

“Waters of the United States” is as defined at 40 CFR §122.2.

“Wetland” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

ACRONYMS

BMP - Best Management Practices

CGP - Construction General Permit

CFR - Code of Federal Regulations

CWA - Clean Water Act

EPA - United States Environmental Protection Agency

ESA - Endangered Species Act

FWS - United States Fish and Wildlife Service

MS4 - Municipal Separate Storm Sewer System

MSGP - Multi-Sector General Permit

NHPA - National Historic Preservation Act

NMFS - United States National Marine Fisheries Service

NOI - Notice of Intent

NOT - Notice of Termination

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SHPO - State Historic Preservation Officer

SWPPP - Storm Water Pollution Prevention Plan

THPO - Tribal Historic Preservation Officer

TMDL - Total Maximum Daily Load

WQS - Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage

Permit coverage for storm water discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits:

1. EPA Region 1: CT, MA, ME, NH, RI, VT

US EPA, Region 01
Office of Ecosystem Protection
NPDES Storm Water Program
1 Congress St, Suite 1100 (CMU)
Boston, MA 02114-2023

The States of Connecticut, Maine, Rhode Island, and Vermont are the NPDES Permitting Authority for the majority of discharges within their respective states. The 1998 CGP was issued in the State of Massachusetts on February 17, 1998 (63 FR 78116) and the terms and conditions of the 1998 permit are effective for large construction activities in Massachusetts until further noticed. EPA will reissue this permit for the State of Massachusetts and for Indian Country within the State of Massachusetts for both large and small construction activities at a future date.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
CTR10000I	Indian country within the State of Connecticut
NHR100000	State of New Hampshire
RIR10000I	Indian country within the State of Rhode Island
VTR10000F	Federal Facilities in the State of Vermont

2. EPA Region 2: NJ, NY, PR, VI

For NJ, NY, and VI:

US EPA, Region 02
NPDES Storm Water Program
290 Broadway, 24th Floor
New York, NY 10007-1866

For PR:

US EPA, Region 02
Caribbean Environmental Protection Division
NPDES Storm Water Program
1492 Ponce de Leon Ave
Central Europa Building, Suite 417
San Juan, PR 00907-4127

The State of New York is the NPDES Permitting Authority for the majority of discharges within its state. The State of New Jersey and the Virgin Islands are the NPDES Permitting Authority for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
NYR10000I	Indian country within the State of New York
PRR100000	The Commonwealth of Puerto Rico

3. EPA Region 3: DE, DC, MD, PA, VA, WV

US EPA, Region 03
NPDES Storm Water Program
1650 Arch St
Philadelphia, PA 19103

The State of Delaware is the NPDES Permitting Authority for the majority of discharges within its state. Maryland, Pennsylvania, Virginia, and West Virginia are the NPDES Permitting Authority for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
DCR100000	The District of Columbia
DER10000F	Federal Facilities in the State of Delaware

4. EPA Region 4: AL, FL, GA, KY, MS, NC, SC, TN

US EPA, Region 04
Water Management Division
NPDES Storm Water Program
61 Forsyth St SW
Atlanta, GA 30303-3104

Coverage Not Available. Construction activities in Region 4 must obtain permit coverage under an alternative permit.

5. EPA Region 5: IL, IN, MI, MN, OH, WI

US EPA, Region 05
NPDES & Technical Support
NPDES Storm Water Program
77 W Jackson Blvd
(WN-16J)
Chicago, IL 60604-3507

The States of Michigan, Minnesota, and Wisconsin are the NPDES Permitting Authority for the majority of discharges within their respective states. The States of Illinois, Indiana, and Ohio are the NPDES Permitting Authorities for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
MIR10000I	Indian country within the State of Michigan
MNR10000I	Indian country within the State of Minnesota
WIR10000I	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community.

6. EPA Region 6: AR, LA, OK, TX, NM (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

US EPA, Region 06
 NPDES Storm Water Program
 1445 Ross Ave, Suite 1200
 Dallas, TX 75202-2733

The States of Louisiana, Oklahoma, and Texas are the NPDES Permitting Authority for the majority of discharges within their respective state. The State of Arkansas is the NPDES Permitting Authority for all discharges within its respective state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
LAR15000I	Indian country within the State of Louisiana
NMR150000	The State of New Mexico, except Indian country
NMR15000I	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR15000I	Indian country within the State of Oklahoma
OKR15000F	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR15000F	Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
TXR15000I	Indian country within the State of Texas.

7. EPA Region 7: IA, KS, MO, NE (except see Region 8 for Pine Ridge Reservation Lands)

US EPA, Region 07
 NPDES Storm Water Program
 901 N 5th St
 Kansas City, KS 66101

The States of Iowa, Kansas, and Nebraska are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Missouri is the NPDES Permitting Authority for all discharges within its state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
IAR10000I	Indian country within the State of Iowa
KSR10000I	Indian country within the State of Kansas
NER10000I	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)

8. EPA Region 8: CO, MT, ND, SD, WY, UT (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.

US EPA, Region 08
NPDES Storm Water Program
999 18th St, Suite 300
(EPR-EP)
Denver, CO 80202-2466

The States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
COR10000F	Federal Facilities in the State of Colorado, except those located on Indian country
COR10000I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10000I	Indian country within the State of Montana
NDR10000I	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR10000I	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR10000I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10000I	Indian country within the State of Wyoming

9. EPA Region 9: CA, HI, NV, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in ID, and the Fort McDermitt Reservation in OR.

US EPA, Region 09
NPDES Storm Water Program
75 Hawthorne St
San Francisco, CA 94105-3901

The States of Arizona, California and Nevada are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Hawaii is the NPDES Permitting Authority for all discharges within its state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
ASR100000	The Island of American Samoa
AZR10000I	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR10000I	Indian country within the State of California
GUR100000	The Island of Guam
JAR100000	Johnston Atoll
MWR100000	Midway Island and Wake Island
NIR100000	Commonwealth of the Northern Mariana Islands
NVR10000I	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah

10. EPA Region 10: AK, WA, ID (except see Region 9 for Duck Valley Reservation Lands), and OR (except see Region 9 for Fort McDermitt Reservation).

US EPA, Region 10
NPDES Storm Water Program
1200 6th Ave (OW-130)
Seattle, WA 98101-1128
Phone: (206) 553-6650

The States of Oregon and Washington are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
AKR100000	The State of Alaska, except Indian country
AKR10000I	Indian country within the state of Alaska
IDR100000	The State of Idaho, except Indian country
IDR10000I	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10000I	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10000F	Federal Facilities in the State of Washington, except those located on Indian country
WAR10000I	Indian country within the State of Washington

Appendix C - Endangered Species Act Review Procedures

You must meet at least one of the six criteria in Subpart 1.3.C.6 to be eligible for coverage under this permit. You must follow the procedures in this Appendix to assess the potential effects of storm water discharges and storm water discharge-related activities on listed species and their critical habitat. When evaluating these potential effects, operators must evaluate the entire project area.

For purposes of this Appendix, the term “project area” is inclusive of the term “Action Area.” Action area is defined in 50 CFR §402.02 as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the construction area that may be affected by storm water discharges and storm water discharge related activities. “Project area” is defined in Appendix A.

(Operators who are eligible and able to certify eligibility under Criterion B, C, D, or F of Subpart 1.3.C.6 because of a previously issued ESA section 10 permit, a previously completed ESA section 7 consultation, or because the operator’s activities were already addressed in another operator’s certification of eligibility may proceed directly to Step Four.)

Step One: Determine if Listed Threatened or Endangered Species are Present On or Near Your Project Area

You must determine, to the best of your knowledge, whether listed species are located on or near your project area. To make this determination, you should:

- Determine if listed species are in your county or township. The local offices of the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their internet sites. Visit www.epa.gov/npdes/stormwater/cgp to find the appropriate site for your state or check with your local office. In most cases, these lists allow you to determine if there are listed species in your county or township.
- If there are listed species in your county or township, check to see if critical habitat has been designated and if that area overlaps or is near your project area.
- Contact your local FWS, NMFS, or State or Tribal Heritage Center to determine if the listed species could be found on or near your project area and if any critical habitat areas have been designated that overlap or are near your project area. Critical habitat areas maybe designated independently from the listed species for your county, so even if there are no listed species in your county or township, you must still contact one of the agencies mentioned above to determine if there are any critical habitat areas on or near your project area.

You can also find critical habitat designations and associated requirements at 50 CFR Parts 17 and 226.

<http://www.access.gpo.gov>.

- If there are no listed species in your county or township, no critical habitat areas on or near your project area, or if your local FWS, NMFS, or State or Tribal Heritage Center indicates that listed species are not a concern in your part of the county or township, you may check box A on the Notice of Intent Form.
- If there are listed species and if your local FWS, NMFS, or State or Tribal Heritage Center indicates that these species could exist on or near your project area, you will need to do one or more of the following:
 - Conduct visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
 - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive storm water discharges, biological surveys may be an appropriate way to assess whether species are located on or near the project area and whether there are likely adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms. A biological survey may in some cases be useful in conjunction with Steps Two, Three, or Four of these instructions.
 - Conduct an environmental assessment under the National Environmental Policy Act (NEPA). Such reviews may indicate if listed species are in proximity to the project area. Coverage under the CGP does not trigger such a review because the CGP does not regulate new sources (that is, dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act), and is thus statutorily

exempted from NEPA. See CWA section 511(c). However, some construction activities might require review under NEPA for other reasons such as federal funding or other federal involvement in the project.

If listed threatened or endangered species or critical habitat are present in the project area, you must look at impacts to species and/or habitat when following Steps Two through Four. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step Two: Determine if the Construction Activity's Storm Water Discharges or Storm Water Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat

To receive CGP coverage, you must assess whether your storm water discharges or storm water discharge-related activities is likely to adversely affect listed threatened or endangered species or designated critical habitat that are present on or near your project area.

Potential adverse effects from storm water discharges and storm water discharge-related activities include:

- *Hydrological.* Storm water discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- *Habitat.* Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of storm water BMPs, may adversely affect listed species or their habitat. Storm water may drain or inundate listed species habitat.
- *Toxicity.* In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS, NMFS or Natural Heritage Center for assistance. If adverse effects are not likely, then you may check box E on the NOI form and apply for coverage under the CGP. If the discharge may adversely effect listed species or critical habitat, you must follow Step Three.

Step Three: Determine if Measures Can Be Implemented to Avoid Adverse Effects

If you make a preliminary determination that adverse effects are likely to occur, you can still receive coverage under Criterion E of Subpart 1.3.C.6 of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or by changing the "footprint" of the construction activity. You should contact the FWS and/or NMFS to see what appropriate measures might be suitable to avoid or eliminate the likelihood of adverse impacts to listed species and/or critical habitat. (See 50 CFR §402.13(b)). This can entail the initiation of informal consultation with the FWS and/or NMFS (described in more detail in Step Four).

If you adopt measures to avoid or eliminate adverse affects, you must continue to abide by those measures for the duration of the construction project and coverage under the CGP. These measures must be described in the SWPPP and are enforceable CGP conditions and/or conditions for meeting the eligibility criteria in Subpart 1.3. If appropriate measures to avoid the likelihood of adverse effects are not available, you must follow Step Four.

Step Four: Determine if the Eligibility Requirements of Criterion B, C, D, or F of Subpart 1.3.C.6 Can Be Met

Where adverse effects are likely, you must contact the FWS and/or NMFS. You may still be eligible for CGP coverage if any likely adverse effects can be addressed through meeting Criterion B, C, D, or F of Subpart 1.3.C.6 of the CGP. These criteria are as follows:

1. *An ESA Section 7 Consultation Is Performed for Your Activity (See Criterion B or C of Subpart 1.3.C.6 of the CGP).*

Formal or informal ESA section 7 consultation is performed with the FWS and/or NMFS that addresses the effects of your storm water discharges and storm water discharge-related activities on federally-listed and threatened

species and designated critical habitat. FWS and/or NMFS may request that consultation take place if any actions are identified that may affect listed species or critical habitat. In order to be eligible for coverage under this permit, consultation must result in a “no jeopardy opinion” or a written concurrence by the Service(s) on a finding that your storm water discharge(s) and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat (For more information on consultation, see 50 CFR §402). If you receive a “jeopardy opinion,” you may continue to work with the FWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

Most consultations are accomplished through informal consultation. By the terms of this CGP, EPA has automatically designated operators as non-federal representatives for the purpose of conducting informal consultations. See Subpart 1.3.C.6 and 50 CFR §402.08 and §402.13. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify FWS and/or NMFS of your intention and agreement to conduct consultation as a non-federal representative.

Consultation may occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation). Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

Whether ESA section 7 consultation must be performed with either the FWS, NMFS or both Services depends on the listed species that may be affected by the operator’s activity. In general, NMFS has jurisdiction over marine, estuaries, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

2. An Incidental Taking Permit Under Section 10 of the ESA is Issued for the Operators Activity (See Criterion D of Subpart 1.3.C.6 of the CGP).

Your construction activities are authorized through the issuance of a permit under section 10 of the ESA and that authorization addresses the effects of your storm water discharge(s) and storm water discharge-related activities on federally-listed species and designated critical habitat. You must follow FWS and/or NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR §17.22(b)(1) for FWS and §222.22 for NMFS). Application instructions for section 10 permits for FWS and NMFS can be obtained by accessing the FWS and NMFS websites (<http://www.fws.gov> and <http://www.nmfs.noaa.gov>) or by contacting the appropriate FWS and NMFS regional office.

3. You are Covered Under the Eligibility Certification of Another Operator for the Project Area (See Criterion F of Subpart 1.3.C.6 of the CGP).

Your storm water discharges and storm water discharge-related activities were already addressed in another operator’s certification of eligibility under Criteria A through E of Subpart 1.3.C.6 which also included your project area. For example, a general contractor or developer may have completed and filed an NOI for the entire project area with the necessary Endangered Species Act certifications (criteria A-E), subcontractors may then rely upon that certification and must comply with any conditions resulting from that process. By certifying eligibility under Criterion F of Subpart 1.3.C.6, you agree to comply with any measures or controls upon which the other operator’s certification under Criterion B, C, or D of Subpart 1.3.C.6 was based. Certification under Criterion F of Subpart 1.3.C.6 is discussed in more detail in the Fact Sheet that accompanies this permit.

You must comply with any terms and conditions imposed under the eligibility requirements of Criterion A through F to ensure that your storm water discharges and storm water discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project’s SWPPP. If the eligibility requirements of Subpart 1.3.C.6 cannot be met, then you are not eligible for coverage under the CGP. In these instances, you may consider applying to EPA for an individual permit.

Appendix D - Small Construction Waivers and Instructions

These waivers are only available to storm water discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

A. Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The operator must certify to the Permitting Authority that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.

EPA funded a cooperative agreement with Texas A&M University to develop an online rainfall erosivity calculator. You can access the calculator from EPA's website at: www.epa.gov/npdes/stormwater/cgp. Use of the calculator allows you to determine potential eligibility for the rainfall erosivity waiver. It may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you must provide the following information on the waiver certification in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The rainfall erosivity factor calculation that applies to the active construction phase at your project site; and
5. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

At the time of publication, a Low Erosivity Waiver Form is not available. If EPA does create a form, it will be noticed (either directly, by public notice, or by making information available on the Internet at www.epa.gov/npdes/stormwater/cgp).

Note: If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for permit coverage as per Subpart 2.1 of the construction general permit, unless you qualify for the Water Quality Waiver as described below.

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five (5), you

must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of the site SWPPP. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, you must submit an NOI as per Part 2.

B. TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on storm water discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at <http://www.epa.gov/owow/tmdl/> and from state and tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA established or approved TMDL, you must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water body(s) that would be receiving storm water discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

C. Equivalent Analysis Waiver

This waiver is available for non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water bodies that would be receiving storm water discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the equivalent analysis.

D. Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.

2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must apply for a permit. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate Rainfall Erosivity waiver certifications must be sent to the following address:

Regular U.S. Mail Delivery

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Overnight/Express Mail Delivery

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Region office specified in Appendix B.

Appendix E - Notice of Intent Form and Instructions

From the effective date of this permit, operators are to use the Notice of Intent Form contained in this Appendix to obtain permit coverage.

NPDES
Form

United States Environmental Protection Agency
Washington, DC 20460

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit

Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the party identified in Section II of this form meets the eligibility requirements of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Refer to the instructions at the end of this form.

I. Permit Number

1	2	3	4	5	6	7	8	9	10
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II. Operator Information

Name: _____

IRS Employer Identification Number (EIN): | | | - | | | | | | |

Mailing Address:

Street:

City: | | | | | | | | | | | | | | | State: | | Zip Code: | | | | - | | |

Phone: | | | - | | | - | | | | Fax (optional): | | | - | | | - | | | |

E-mail (optional):

III. Project/Site Information

[illegible][illegible]

City: _____ State: _____ Zip Code: _____ - _____

County or similar government subdivision: _____

Latitude/Longitude (Use one of three possible formats, and specify method)

Latitude 1. ____° ____' ____" N (degrees, minutes, seconds)
2. ____° ____' ____" N (degrees, minutes, decimal)
3. ____° N (decimal)

Longitude 1. ____° ____' ____" W (degrees, minutes, seconds)
2. ____° ____' ____" W (degrees, minutes, decimal)
3. ____° W (decimal)

Method: U.S.G.S. topographic map EPA web site GPS Other: _____
 • If you used a U.S.G.S. topographic map, what was the scale: _____

Project Located in Indian country?	Yes	No
If so, name of Reservation or if not part of a Reservation, put "Not Applicable":		

Estimated Project Start Date: / /
Month Date Year

Estimated Project Completion Date: / /
Month Date Year

Estimated Area to be Disturbed (to the nearest quarter acre):

IV. SWPPP Information

Has the SWPPP been prepared in advance of filing this NOI? Yes No

Location of SWPPP for viewing: Address in Section II Address in Section III Other

If Other:

SWPPP Street:

City:

State: Zip Code: -

SWPPP Contact Information (if different than that in Section II):

Name:

Phone: - - Fax (optional): - -

E-mail (optional):

V. Discharge Information

Identify the name(s) of waterbodies to which you discharge.

Is this discharge consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s)?

Yes No

VI. Endangered Species Information

Under which criterion of the permit have you satisfied your ESA eligibility obligations?

A B C D E F

• If you select criterion F, provide permit tracking number of operator under which you are certifying eligibility:

VII. Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name:

Print Title:

Signature:

Date:

**Notice of Intent (NOI) for Storm Water Discharges Associated with
Construction Activity Under an NPDES General Permit**

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

Who Must File an NOI Form

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the Act), federal law prohibits storm water discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) Permit. Operator(s) of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must submit an NOI to obtain coverage under an NPDES general permit. Each person, firm, public organization, or any other entity that meets either of the following criteria must file this form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. If you have questions about whether you need an NPDES storm water permit, or if you need information to determine whether EPA or your state agency is the permitting authority, refer to www.epa.gov/npdes/stormwater/cgp or telephone the Storm Water Notice Processing Center at (866) 352-7755.

Where to File NOI Form

See the applicable CGP for information on where to send your completed NOI form.

Completing the Form

Obtain and read a copy of the appropriate EPA Storm Water Construction General Permit for your area. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Permit Number

Provide the number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible permit numbers).

Section II. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this

application. An operator of a project is a legal entity that controls at least a portion of site operations and is not necessarily the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS), also commonly referred to as your taxpayer ID. If the applicant does not have an EIN enter "NA" in the space provided. Also provide the operator's mailing address, telephone number, fax number (optional) and e-mail address (if you would like to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

Section III. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

The applicant must also provide the latitude and longitude of the facility either in degrees, minutes, seconds; degrees, minutes, decimal; or decimal format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and EPA's web-based siting tools, among others. Refer to www.epa.gov/npdes/stormwater/cgp for further guidance on the use of these methodologies. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. Applicants must specify which method they used to determine latitude and longitude. If a U.S.G.S. topographic map is used, applicants are required to specify the scale of the map used.

Indicate whether the project is in Indian country, and if so, provide the name of the Reservation. If the project is in Indian Country Lands that are not part of a Reservation, indicate "not applicable" in the space provided.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 05/27/1998). Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest quarter acre. Note: 1 acre = 43,560 sq. ft.

Section IV. SWPPP Information

Indicate whether or not the SWPPP was prepared in advance of filing the NOI form. Check the appropriate box for the location where the SWPPP may be viewed. Provide the name,

**Notice of Intent (NOI) for Storm Water Discharges Associated with
Construction Activity Under an NPDES General Permit**

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

fax number (optional), and e-mail address (optional) of the contact person if different than that listed in Section II of the NOI form.

Section V. Discharge Information

Enter the name(s) of receiving waterbodies to which the project's storm water will discharge. These should be the first bodies of water that the discharge will reach. (Note: If you discharge to more than one waterbody, please indicate all such waters in the space provided and attach a separate sheet if necessary.) For example, if the discharge leaves your site and travels through a roadside swale or a storm sewer and then enters a stream that flows to a river, the stream would be the receiving waterbody. Waters of the U.S. include lakes, streams, creeks, rivers, wetlands, impoundments, estuaries, bays, oceans, and other surface bodies of water within the confines of the U.S. and U.S. coastal waters. Waters of the U.S. do not include man-made structures created solely for the purpose of wastewater treatment. U.S. Geological Survey topographical maps may be used to make this determination. If the map does not provide a name, use a format such as "unnamed tributary to Cross Creek". If you discharge into a municipal separate storm sewer system (MS4), you must identify the waterbody into which that portion of the storm sewer discharges. That information should be readily available from the operator of the MS4.

Indicate whether your storm water discharges from construction activities will be consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s). To answer this question, refer to www.epa.gov/npdes/stormwater/cgp for state- and regional-specific TMDL information related to the construction general permit. You may also have to contact your EPA regional office or state agency. If there are no applicable TMDLs or no related requirements, please check the "yes" box in the NOI form.

Section VI. Endangered Species Information

Indicate for which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of federally listed endangered and threatened species, and designated critical habitat. See Part 1.3.C.6 and Appendix C of the permit. If you select criterion F, provide the permit tracking number of the operator under which you are certifying eligibility. The permit tracking number is the number assigned to the operator by the Storm Water Notice Processing Center after EPA acceptance of a complete NOI.

Section VII. Certification Information

All applications, including NOIs, must be signed as follows:
For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

Appendix F - Notice of Termination Form and Instructions

From the effective date of this permit, operators are to use the Notice of Termination Form contained in this Appendix to terminate permit coverage.

NPDES
Form



United States Environmental Protection Agency
Washington, DC 20460

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Storm Water Discharges Associated with Construction Activity

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with construction activity under the NPDES program from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Permit Information

NPDES Storm Water General Permit Tracking Number:

Reason for Termination (Check only one):

Final stabilization has been achieved on all portions of the site for which you are responsible.

Another operator has assumed control, according to Appendix G, Section 11.C of the CGP, over all areas of the site that have not been finally stabilized.

Coverage under an alternative NPDES permit has been obtained.

For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

II. Operator Information

Name:

IRS Employer Identification Number (EIN): -

Mailing Address:

Street:

City: State: Zip Code: -

Phone: - - Fax (optional): - -

E-mail (optional):

III. Project/Site Information

Project/Site Name:

Project Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

IV. Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name:

Print Title:

Signature:

Date:

Instructions for Completing EPA Form 3510-13
**Notice of Termination (NOT) of Coverage Under an NPDES General Permit for
Storm Water Discharges Associated with Construction Activity**

NPDES Form This Form Replaces Form 3517-7 (8-98)

Form Approved OMB Nos. 2040-0086 and 2040-0211

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity may submit an NOT form when final stabilization has been achieved on all portions of the site for which you are responsible; another operator has assumed control in accordance with Appendix G, Section 11.C of the General Permit over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

"Final stabilization" means that all soil disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. See "final stabilization" definition in Appendix A of the Construction General Permit for further guidance where background native vegetation covers less than 100 percent of the ground, in arid or semi-arid areas, for individual lots in residential construction, and for construction projects on land used for agricultural purposes.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Permit Number

Enter the existing NPDES Storm Water General Permit Tracking Number assigned to the project by EPA's Storm Water Notice Processing Center. If you do not know the permit tracking number, refer to www.epa.gov/npdes/stormwater/cgp or contact the Storm Water Notice Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

Final stabilization has been achieved on all portions of the site for which you are responsible.

Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized.

Coverage under an alternative NPDES permit has been obtained.

For residential construction only, if temporary stabilization has been completed and the residence has been transferred to the homeowner.

Section II. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. The

operator of the project is the legal entity that controls the site operation, rather than the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address and telephone number of the operator. *Optional:* enter the fax number and e-mail address of the operator.

Section III. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section IV. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

Appendix G - Standard Permit Conditions

STANDARD PERMIT CONDITIONS

1. Duty To Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- B. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation).

The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- C. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

2. Duty to Reapply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit.

Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privileges.

8. Duty to Provide Information

You must furnish to EPA, within a reasonable time, any information which EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA upon request, copies of records required to be kept by this permit.

9. Inspection and Entry

You must allow EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

10. Monitoring and Records

- A. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time.
- C. Records of monitoring information must include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed

4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- D. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

11. Signatory Requirements

- A. All applications, including NOIs, must be signed as follows:
1. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
- B. All reports required by this permit, including SWPPPs, must be signed by a person described in Appendix G, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix G, Subsection 11.A;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- C. Changes to Authorization. If an authorization under Subpart 2.1 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Subpart 2.1 must be submitted to EPA prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Subpart 2.2, and sent to the address specified in Subpart 2.3.
- D. Any person signing documents required under the terms of this permit must include the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is,

to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting Requirements

- A. Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
- B. Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers. This permit is not transferable to any person except after notice to EPA. EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)
- D. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
1. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.
 2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.
 3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean.
- E. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- F. Twenty-four hour reporting.
1. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
 - b. Any upset which exceeds any effluent limitation in the permit
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by EPA in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)

3. EPA may waive the written report on a case-by-case basis for reports under Appendix G, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix G, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix G, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

13. Bypass

- A. Definitions.
 1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix G, Subsections 13.C and 13.D.
- C. Notice—
 1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
 2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix G, Subsection 12.F (24-hour notice).
- D. Prohibition of bypass.
 1. Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. You submitted notices as required under Appendix G, Subsection 13.C.
 2. EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix G, Subsection 13.D.1.

14. Upset

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix G, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- C. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that you can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated; and

3. You submitted notice of the upset as required in Appendix G, Subsection 12.F.2.b(24 hour notice).
 4. You complied with any remedial measures required under Appendix G, Section 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, has the burden of proof.

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NPDES General Permit for Storm Water Discharges From Construction Activities - Fact Sheet

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I. Introduction

The United States Environmental Protection Agency (EPA) is reissuing the general permit that authorizes the discharge of pollutants in storm water discharges associated with construction activity (also known as the “construction general permit” or “CGP”). The CGP, upon reissuance, covers storm water discharges associated with both small and large construction activity. Small construction activity is added in response to the Phase II Storm Water Regulations promulgated on December 8, 1999 (64 FR 68722). Specifically, the Phase II regulations add permitting requirements for storm water discharges from construction activities that disturb from one to five acres. Phase I Storm Water Regulations promulgated on November 16, 1990 (55 FR 47990) established permitting requirements for storm water discharges from construction activities that disturb five acres or more. As used in this permit, “storm water associated with large construction activity” refers to the disturbance of five or more acres, as well as disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more (40 CFR §122.26(b)(14)(x)). “Storm water associated with small construction activity,” as defined in 40 CFR §122.26(b)(15), refers to the disturbance of equal to or greater than one and less than five acres of land for construction or the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

Appendix B contains a list of areas eligible for coverage under the CGP. Individual permit numbers exist for each eligible area, as noted in Appendix B. However, the CGP is written as if it was a single permit rather than a number of legally separate and individually numbered general permits it is comprised of. Unless otherwise noted, references to the “permit” or the “CGP” apply to the common language of each of the separate general permits.

This CGP replaces two previous Construction General Permits that were issued for five-year terms by EPA Regions 1, 2, 3, 7, 8, 9, and 10 in February 1998 (63 FR 7858) and by EPA Region 6 in July 1998 (63 FR 36490), respectively. EPA public noticed a draft CGP on December 20, 2002 (67 FR 78116). This final CGP is based on that draft, taking into account comments received. Details of comments received and EPA response to those comments are provided in the administrative record.

The most significant changes from the 1998 CGP include:

- Modified permit to include all areas in the country for which EPA is the permitting authority, except for Region 4 that continues to operate under a Regional-specific permit. This included removal of certain areas for which EPA is no longer the permitting authority (e.g., the States of Maine and Arizona are now authorized to administer the NPDES permitting program).
- Modified permit coverage to include small construction activities, and to identify waiver opportunities for small construction activities based on low rainfall erosivity, TMDLs, and equivalent analyses in accordance with EPA’s regulations.
- Added uncontaminated excavation dewatering and irrigation runoff as allowable non-storm water discharges.
- Added restrictions on, and documentation of requirements for, discharges to waters with Total Maximum Daily Loads (TMDLs) approved or established by EPA.
- Removed state and county Endangered Species Act (ESA) appendix of Federally-listed or proposed species.
- Added new options for authorization procedures and NOI submission deadlines to accommodate new seven-day reviews of NOIs by U.S. Fish & Wildlife Service and National Marine Fisheries Service.
- Modified information required on NOI form to require:
 - applicable permit number,
 - U.S. Internal Revenue Service Employer Identification Number (EIN), where applicable,
 - methodology for determining latitude and longitude,
 - name of Indian reservation, where applicable,
 - address of SWPPP location (changed from optional to required) and contact person,
 - whether the discharge is consistent with the assumptions and requirements of applicable EPA approved or established TMDLs,
 - specification of the criterion the operator certified for ESA eligibility, and the specific permit tracking number of an operator certifying under another operator’s eligibility determination.

- Updated NOI submission deadlines to account for ongoing projects.
- Added language to support the ability of operators to submit NOIs and NOTs using EPA's electronic NOI system when it becomes available.
- Clarified procedure for operator to delineate on the SWPPP areas of the project where no further requirements apply following final stabilization.
- Clarified documentation requirements for ESA eligibility, and added documentation requirements for permit eligibility for waters that have an established TMDL.
- Modified inspection provisions to include option for weekly site inspections and guidelines for inspection of utility line installation, pipeline construction, and other linear construction activities.
- Provided further clarification on stabilization requirements for project areas where construction has temporarily ceased.
- For clarification purposes, added definitions for the following terms:
 - "Arid Areas"
 - "Eligible"
 - "Federal Facility"
 - "Indian Country"
 - "Large construction Activity"
 - "New Project"
 - "Ongoing Project"
 - "Permitting Authority"
 - "Project Area"
 - "Receiving Water"
 - "Semi-Arid Areas"
 - "Site"
 - "Small Construction Activity"
 - "Storm Water Discharge-Related Activity"
 - "Total Maximum Daily Load" or "TMDL"
 - "Wetland"

The final CGP contains individual permit numbers for the following areas:

Region 1: The State of New Hampshire; Indian Country in the States of Rhode Island and Connecticut; Federal facilities in Vermont.

Region 2: The Commonwealth of Puerto Rico and Indian Country in the State of New York.

Region 3: The District of Columbia and Federal facilities in the State of Delaware.

Region 5: Indian Country in the States of Michigan, Minnesota, and Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community.

Region 6: The State of New Mexico; Indian Country in the States of Louisiana, Oklahoma, Texas, and New Mexico (except Navajo Reservation Lands [see Region 9] and Ute Mountain Reservation Lands [see Region 8]); discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492X and 5171) and point source discharges associated with agricultural production, services, and silviculture Includes SIC Groups 01, 02, 07, 08, and 09), and discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly the Texas Natural Resource Conservation Commission), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.

Region 7: Indian Country in the States of Iowa, Kansas and Nebraska (except Pine Ridge Reservation Lands [see Region 8]).

Region 8: Federal facilities in Colorado; Indian Country in Colorado (as well as the portion of the Ute Mountain Reservation located in New Mexico), Montana, North Dakota (as well as that portion of the Standing Rock Reservation located in South Dakota and excluding the lands within the former boundaries of the Lake Traverse Reservation which is covered under the permit for areas of South Dakota), South Dakota (as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota and excluding the Standing Rock Reservation which is covered under the permit for areas of North Dakota), Utah (except Goshute and Navajo Reservation lands [see Region 9]) and Wyoming.

Region 9: The Islands of American Samoa and Guam, Johnston Atoll, Midway/Wake Islands and Commonwealth of the Northern Mariana Islands; Indian Country in Arizona (as well as Navajo Reservation lands in New Mexico and Utah), California and Nevada (as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah).

Region 10: The States of Alaska and Idaho; Indian Country in Alaska and Idaho (except Duck Valley Reservation [see Region 9]), Washington and Oregon (except for Fort McDermitt Reservation [see Region 9]); Federal facilities in Washington.

II. Answers to Common Questions

In this section, EPA provides answers to some of the more common questions on the construction storm water permitting program. It is intended to help permittees understand the permit. Be aware these answers are general and may not take into account all scenarios possible at construction sites.

What is the Goal of This Permit?

The goal of this permit is to protect the quality and beneficial uses of the nation's surface water resources from pollution in storm water runoff from construction activities. To achieve this goal, the permit requires operators to plan and implement appropriate pollution prevention and control practices for storm water runoff during the construction period. These Best Management Practices (BMPs) are aimed primarily at controlling erosion and sediment transport, but also include controls, including good housekeeping practices, aimed at other pollutants such as construction chemicals and solid waste (e.g., litter). As used in this permit, the terms "Construction and Construction-related activities" include all clearing, grading, excavation, and stockpiling activities that will result in the disturbance of one or more acres of land area.

What Types of Construction Activities May Need a Storm Water Permit?

Any construction activity that will, or is part of a "common plan" of development or sale that will, disturb one or more acres and has the potential to have a discharge of storm water to a water of the United States must either have a permit OR have qualified for a waiver. These regulated discharges are broken into two categories: "Large" and "Small". A large construction activity is one that will disturb, or is part of a "common plan" that will cumulatively disturb, five or more acres. A small construction activity is one that will disturb, or is part of a "common plan" that will cumulatively disturb, one or more acres.

Construction and construction-related activities refer to the actual earth disturbing construction activities and those activities supporting the construction project such as construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), measures used to control the quality for storm water associated with construction activity, or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants). It does not refer to construction activities unrelated to earth disturbing activities such as interior remodeling, completion of interiors of structures, etc. "Construction" does not include routine earth disturbing activities that are part of the normal day-to-day operation of a completed facility (e.g., daily cover for landfills, maintenance of gravel roads or parking areas, landscape maintenance, etc). Also, it does not include activities under a State or Federal reclamation program to return an abandoned property into an agricultural or open land use.

Are There Situations Where a Permit is Not Needed?

If all of the storm water from the construction activity is captured on-site and allowed to evaporate, soak into the ground on-site, or is used for irrigation, you do not need coverage under this permit. Under the Clean Water Act, it is illegal to have a point source discharge of pollutants to a water of the United States that is not authorized by a permit. If there is a potential for a discharge, you need to apply for coverage under this permit. Many local governments have separate requirements for soil and erosion control from construction projects. There may be other federal, state, tribal, or local requirements concerning discharges to ground water or impoundment of runoff (e.g., water rights).

If a Construction Activity Does Not Adversely Impact Water Quality, is Coverage Under the Construction General Permit Still Necessary?

Waivers are possible only for discharges of storm water associated with SMALL construction activity (i.e., construction disturbing less than 5 acres). These waivers are authorized by federal regulation at 40 CFR §§122.26(b)(15)(i)(A) & (B) and are explained in Appendix D of the permit. Waivers are not available for any construction activity disturbing 5 acres or greater, or less than 5 acres if part of a common plan of development or sale that will ultimately disturb 5 or more acres (or if designated for permit coverage by EPA).

With All the People Involved in a Construction Project, How Do I Know If I Am the One That Needs to Apply for the Permit?

You must apply if you meet one or both parts of the definition of “Operator.” This means you should apply for permit coverage if you have operational control over either the construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., owner or developer of project), or you have day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan (SWPPP) for the site or other permit conditions (e.g., general contractor). Where your activity is part of a larger common plan of development or sale, you are only responsible for the portions of the project for which you meet the definition of “operator.”

In many instances, there may be more than one party at a site performing tasks related to “operational control” and hence, more than one operator must submit an NOI. Depending on the site and the relationship between the parties (e.g., owner, developer, general contractor), there can either be a single party acting as site operator and consequently be responsible for obtaining permit coverage, or there can be two or more operators all needing permit coverage. Exactly who is considered an operator is largely controlled by how the “owner” of the project chooses to structure the contracts with the “contractors” hired to design and/or build the project. The following are three general operator scenarios (variations on any of these three are possible, especially as the number of “owners” and contractors increases):

- ▶ *“Owner” as sole permittee.* The property owner designs the structures for the site, develops and implements the SWPPP, and serves as general contractor (or has an on-site representative with full authority to direct day-to-day operations). The “Owner” is the only party that needs permit coverage, in which case everyone else on the site may be considered subcontractors and not need permit coverage.
- ▶ *“Contractor” as sole permittee.* The property owner hires one company (i.e., a contractor) to design the project and oversee all aspects of the construction project, including preparation and implementation of the SWPPP and compliance with the permit (e.g., a “turnkey” project). Here, the contractor would likely be the only party needing a permit. It is under this scenario that an individual having a personal residence built for his own use (e.g., not those to be sold for profit or used as rental property) would not be considered an operator. EPA believes that the general contractor, being a professional in the building industry, should be the entity rather than the individual who is better equipped to meet the requirements of both applying for permit coverage and developing and properly implementing a SWPPP. However, individuals would meet the definition of “operator” and require permit coverage in instances where they perform general contracting duties for construction of their personal residences.
- ▶ *Owner and contractor as co-permittees.* The owner retains control over any changes to site plans, SWPPPs, or storm water conveyance or control designs; but the contractor is responsible for overseeing actual earth disturbing activities and daily implementation of SWPPP and other permit conditions. In this case, which is the most common scenario, both parties need to apply for coverage.

However, you are probably not an operator and subsequently do not need permit coverage if:

- ▶ You are a subcontractor hired by, and under the supervision of, the owner or a general contractor (i.e., if the contractor directs your activities on-site, you probably are not an operator); or
- ▶ Your activities on site result in earth disturbance and you are not legally a subcontractor, but a SWPPP specifically identifies someone other than you (or your subcontractor) as the party having operational control to address the impacts your activities may have on storm water quality (i.e., another operator has assumed responsibility for the impacts of your construction activities). EPA anticipates that this will be the case for many, if not most, utility service line installations.

In addition, for purposes of this permit and determining who is an operator, “owner” refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas

pipeline). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

My Project Will Disturb Less Than One Acre, But it May Be Part of a “Larger Common Plan of Development or Sale.” How Can I Tell and What Must I Do?

In many cases, a common plan of development or sale consists of many small construction projects. For example, a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would *remain* part of the common plan of development or sale.

If your smaller project is part of a larger common plan of development or sale that collectively will disturb one or more acres (e.g., you are building on 6 half-acre residential lots in a 10-acre development or are putting in a fast food restaurant on a 3/4 acre pad that is part of a 20 acre retail center) you need permit coverage. “Common plan” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. You must still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage you personally disturb. As a subcontractor, it is unlikely you would need permit coverage.

However, where only a small portion of the original common plan of development remains undeveloped and there has been a period of time where there is no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), you may re-evaluate your individual project based on the acreage remaining from the original “common plan.” If less than five but more than one acre remains to build out the original “common plan” permit coverage may still be required, but you can treat your project as part of a “small” construction activity and may be eligible for the waivers available for small construction activities (e.g., one of six lots totaling 2 acres in a 50 acre subdivision can be treated as part of a 2 acre rather than 50 acre “common plan”). If less than one acre remains of the original common plan, your individual project may be treated as part of a less than one acre development and no permit would be required.

When Can You Consider Future Construction on a Property to be Part of a Separate Plan of Development or Sale?

After the initial “common plan” construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new “common plan” for purposes of calculating acreage disturbed to determine if a permit was required. This would also apply to similar situations at an industrial facility, such as adding new buildings, a pipeline, new wastewater treatment facility, etc. that was not part of the original plan.

What If the Extent of the Common Plan of Development or Sale is Contingent on Future Activities?

EPA recognizes that there are situations where you will not know beforehand exactly how many acres will be disturbed, or whether some activities will ever occur. If you are not sure exactly how many acres will be disturbed, you should make the best estimate possible and may wish to overestimate to ensure you do not run into the situation where you should have a permit, but don’t. For example, if you originally estimated less than 5 acres would actually be disturbed and took advantage of the “R” Factor waiver, but you actually disturbed 5.5 acres, you would lose your waiver and would need to apply for permit coverage. This could result in delays in obtaining permit authorization and costs associated with contract changes to implement permit requirements - in addition to being liable for any unpermitted discharges.

If you have a long-range master plan of development where some portions of the master plan are a conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended time period, you may consider the “conceptual” phases of development to be separate “common plans” provided the periods of construction for the physically interconnected phases will not overlap. For example, a university or an airport may have a long-range development concept for their property, with future development based largely on future needs and available funding. A school district could buy more land than needed for a high school with an indefinite plan to add more classrooms and a sports facility some day. An oil and gas exploration and production company could have a broad plan to develop wells within a lease or production area, but decisions on how many wells would be drilled within what time frame and which wells would be tied to a

pipeline would be largely driven by current market conditions and which, if any, wells proved to be commercially viable.

What if the “Common Plan of Development or Sale” Actually Consists of Non-Contiguous Separate Projects?

There are several situations where discrete projects, that could be considered part of a larger “common plan,” can actually be treated as separate projects for the purposes of permitting:

- A. A public entity (e.g., a municipality, state, tribe, or federal agency) need not consider all construction projects within their entire jurisdiction to be part of an overall “common plan.” For example, construction of roads or buildings in different parts of a state, county, or city could be considered separate “common plans.” Only the interconnected parts of a project would be considered to be a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.)
- B. Where discrete construction projects within a larger common plan of development or sale are located 1/4 mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed. For example, two oil and gas well pads separated by 1/2 mile could be treated as separate “common plans.” However, if the same two well pads and an interconnecting access road were all under construction at the same time, they would generally be considered as part of a single “common plan” for permitting purposes. If a utility company was constructing new trunk lines off an existing transmission line to serve separate residential subdivisions located more than 1/4 mile apart, the two trunk line projects could be considered to be separate projects.

What Do You Need to Do to Apply for Permit Coverage?

First - you will need a copy of the CGP to determine if you are eligible for the permit. The text of the permit also explains, for example what must be included in your SWPPP and what you need to do in order to comply with the permit.

Second - you need to determine if you are eligible to use the permit. You will need to document how you determined your eligibility with regard to protection of endangered species, total maximum daily loads, etc.

Third - you will need to prepare your SWPPP. You will also need to include a copy of the CGP and documentation of your eligibility in your SWPPP.

Fourth - you will need to fill out an NOI form and submit it to EPA at least seven days before you start construction.

What are My Options For Meeting the “Final Stabilization” Criteria?

In most cases, you can terminate permit coverage as soon as the portion(s) of the project for which you are an operator are finally stabilized. A definition of “Final Stabilization” is in Appendix A of the CGP. For the purpose of these discussions, “structure” is used not only in the more traditional sense of “buildings,” but also refers to other things that would remain in a non-vegetated condition after construction has ended. Examples of “structures” include: buildings; parking lots; roads; gravel equipment pads, sidewalks, runways, etc. All other disturbed areas must be finally stabilized by either vegetative or non-vegetative practices, except disturbed areas on lands that will be returned to an agricultural use such as cropland, rangeland, or silviculture need only be returned to the preexisting condition (e.g., tilled land, grass rangeland, agricultural buffer strip, etc). Where a residential homeowner has decided to install their lawn themselves, only temporary stabilization is required. Perennial vegetation could include grasses, ground covers, trees, shrubs, etc. Vegetative final stabilization requires 70 percent coverage of the “natural” vegetative cover in that part of the country. If the natural vegetation in your area covers 50 percent of the land, final stabilization is achieved when coverage of 35 percent or more of the land is achieved (70 percent of 50 percent). Non-vegetative stabilization could include rip-rap, gravel, gabions, etc. Impervious cover such as concrete or asphalt should be avoided as a final stabilization technique. Long-term, semi-permanent erosion control practices combined with seeds that would establish vegetative stabilization (e.g., properly secured seed impregnated erosion control mats, etc.) could also be used as “final stabilization.” To qualify as “long-term,” the erosion control practice must be selected, designed, and installed so as to provide at least three years of erosion control.

EPA believes, where the environmental threat is low (i.e., in arid and semi-arid climes), that “final stabilization” can also include techniques that employ re-vegetation combined with other stabilization measures. “Other stabilization measures” in this context include what are known as “temporary degradable rolled erosion control products,” a.k.a., “erosion control blankets” (ECBs) along with an appropriate seed base. With proper selection (degradability, application, siting, etc), design, and installation, ECBs can be very effective in preventing the

detachment and transportation of soil until they naturally degrade and vegetation has assumed this function. Therefore, upon proper selection, design, and installation of the combination ECB-seed technique in arid or semi-arid areas, a permittee can be considered to have achieved final stabilization and can terminate permit coverage. If more than 3 years (i.e., three growing seasons) is required to establish the 70 percent of the natural vegetative cover, this technique cannot be used or cited for fulfillment of permit termination requirements prior to actual establishment of vegetative cover.

What if the Operator(s) Changes Before the Project is Completed?

If operational control changes, the old operator submits a Notice of Termination (NOT) and the new operator submits a Notice of Intent (NOI) before taking over operational control.

In many instances, operational control changes, but only for a portion of the site. In these instances, the new operator must:

1. submit an NOI; and
2. develop and implement their own SWPPP or adopt the SWPPP of the previous operator if it's still applicable (with appropriate revisions)

What if Earth Disturbance is a Normal Part of the Post-Construction Use of the Site?

The earth disturbing activity has to be part of a project to build, demolish, or replace a structure (e.g., building, road, pad, pipeline, transmission line, etc.) to trigger the need for permit coverage. Earth disturbance that is a normal part of the long-term use or maintenance of the property is not covered by the construction general permit. For example, re-grading a dirt road or cleaning out a roadside drainage ditch to maintain its "as built" state is road maintenance and not construction. Restoring the well pad of an existing oil or gas well is operation of a well and not construction. Re-grading and re-graveling a gravel parking lot or equipment pad is site maintenance and not construction. Repaving is routine maintenance unless underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation. Where clearing, grading, or excavating (i.e., down to bare soils) takes place, permit coverage is required if more than one acre is disturbed. Reworking planters that are part of the landscaping at a building is landscape maintenance and not construction. Applying daily cover at a landfill is part of the operation of a landfill and not construction.

Does the exclusion of "Routine Maintenance" Apply to all Construction Activity?

Yes. The definition of small construction at 40 CFR §122.26(b)(15)(i) includes the phrase "Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility" EPA has revised the definition of "large construction" in this permit to include similar language. However, the term "routine maintenance" should not be confused with activities such as repairs, replacement, and other types of non-routine maintenance that require permit coverage where more than one acre is disturbed.

How Many Notices of Intent (NOIs) Must I Submit? Where and When Are They Sent?

You only need to submit one NOI to cover all activities for which you are considered the operator in any given project. The site map you develop for the SWPPP identifies which parts of the overall project are under your control. For example, if you are a homebuilder in a residential development, you need submit only one NOI to cover all your lots, even if they are on opposite sides of the development.

A complete NOI must be sent at least seven days before work begins on the site. The address for submitting NOIs is found in Part 2 of the CGP. You must also look in Part 9 of the permit to determine if copies of the NOI form must be sent to a State or Indian Tribe.

Do I Have Flexibility in Preparing the Storm Water Pollution Prevention Plan (SWPPP) and Selecting Best Management Practices (BMPs) For My Site?

Storm water pollution prevention plan requirements were designed to allow maximum flexibility to develop storm water controls based on the specifics of the site. Some of the factors you might consider include: more stringent local development requirements and/or building codes; precipitation patterns for the area at the time the project will be underway; soil types; slopes; layout of structures for the site; sensitivity of nearby water bodies; safety concerns (e.g., potential hazards of water in storm water retention ponds to the safety of children; and coordination with other site operators.

The approach and BMPs used for controlling pollutants in storm water discharges from small construction sites may vary from those used for large sites since their characteristics can differ in many ways. Operators of small

sites may have more limited access to qualified design personnel and technical information. Sites may also have less space for installing and maintaining certain BMPs. A number of structural BMPs (e.g., use of inlet protection, or silt fence) and non-structural BMPs (minimizing disturbance, good housekeeping) have shown to be efficient, cost effective, and versatile for small construction site operators to implement. As is the case with large construction sites, erosion and sediment control at small construction sites is best accomplished with proper planning, installation, and maintenance of controls.

Must Every Permittee Have His or Her Own Separate SWPPP or is a Joint Plan Allowed?

The only requirement is that there be at least one SWPPP for a site that incorporates the required elements for all operators, but there can be separate plans if individual permittees so desire. EPA encourages permittees to explore possible cost savings by having a joint SWPPP. For example, the general contractor could assume the inspection responsibilities for the entire site, while each homebuilder shares in the installation and maintenance of sediment traps serving common areas.

If a Project Will Not Be Completed Before This Permit Expires, How Can I Keep Permit Coverage?

If the permit is reissued or replaced with a new one before the current one expires, you will need to comply with the new permit conditions in order to transition coverage from the old permit. This will likely include submitting a new NOI. If the permit expires before a replacement permit can be issued, the permit will be administratively continued. You are automatically covered under the continued permit, without needing to submit anything to EPA, until the earliest of:

1. The permit being reissued or replaced;
2. Submittal of a Notice of Termination (NOT);
3. Issuance of an individual permit for your activity; or
4. EPA issues a formal decision not to reissue the permit, at which time you must seek coverage under an alternative permit.

When Can I Terminate Permit Coverage? Can I Terminate Coverage (i.e., Liability for Permit Compliance) Before the Entire Project is Finished?

You can submit an NOT for your portion of a site providing: (1) You have achieved final stabilization (e.g., 70 percent revegetation) of the portion of the site for which you are responsible; (2) another operator/permittee has assumed control, according to Subpart 5.1.B of the permit over all areas of the site that have not been finally stabilized for which you are responsible (for example, a developer can pass permit responsibility for lots in a subdivision to the homebuilder who purchases those lots, providing the homebuilder has filed his or her own NOI); (3) coverage under an alternative NPDES permit has been obtained for the discharge; or (4) for residential construction only, you have completed temporary stabilization and the residence has been transferred to the homeowner.

Is Coverage Required for Oil and Gas Construction?

EPA received numerous comments concerning the applicability of the construction permit requirements, which were modeled after residential and commercial construction, to oil and gas construction. The oil and gas industry noted that a residential or commercial project typically has a definite plan of development that involves a planning phase, a construction phase and termination of the construction, while an oil and gas construction project is typically on a very tight schedule and moves very quickly from planning to construction because both the access to mineral rights and the availability of drilling rigs are on schedules.

EPA believes sediment from oil and gas sites can be a problem, but realizes that this type of construction may require different controls than residential and commercial construction. EPA has extended the permit application deadline for oil and gas construction activity disturbing 1 to 5 acres from March 10, 2003 to March 10, 2005. See 68 *Federal Register* 11325. The two-year postponement will allow for time for EPA to analyze and better evaluate: the impact of the permit requirements on the oil and gas industry; the appropriate BMPs for preventing contamination of storm water runoff resulting from construction association with oil and gas exploration, production, processing, or treatment operations or transmission facilities; and the scope and effect of 33 U.S.C. 1342(l)(2) and other storm water provisions of the CWA.

The two-year postponement applies only to “small” oil and gas construction projects. Large construction has been regulated as an industrial activity under CWA section 402(p)(6) since promulgation of the Phase I storm water rule. Large construction activity was covered under the 1998 CGP and must now obtain permit coverage under the 2003 CGP.

Do I Need to Have Coverage Under the MSGP and the CGP for Mining Activity?

Coverage under the CGP is required for the construction or exploration phase, and coverage under the multi-sector general permit (MSGP) is required for the active mining phase. This is due to EPA's concern that the initial clearing, grading, or excavation on a site could escape permit coverage under the MSGP for mining activities (e.g., Sector G -Metal Mining) despite the significant pollutant discharges that may result. Members of the mining industry have requested to be covered by only one permit for any and all earth disturbances. To allow this, EPA may need to modify the MSGP. As part of the next MSGP reissuance, EPA will consider the effectiveness and justification for addressing different mining phases in two different permits, including whether all mining and mining-related activities (from exploration and construction to reclamation) should be placed in the MSGP. At present, however, discharges relating to the exploration and construction phases of mining operations must be covered by the CGP, while discharges from active mining activities must be covered under the MSGP.

III. Coverage Provided by General Permits

Section 402(p) of the Clean Water Act (CWA) provides that storm water discharges associated with industrial activity that discharge to waters of the United States must be authorized by an NPDES permit. The term "discharge" when used in the context of the NPDES program means the discharge of pollutants (40 CFR §122.2).

On November 16, 1990, EPA published regulations under the NPDES program that defined one facet of the phrase "storm water discharges associated with industrial activity" as including discharges from construction activity (including clearing, grading and excavation activities) that result in the disturbance of five or more acres of total land area, including smaller areas that are part of a larger common plan of development or sale (40 CFR §122.26(b)(14)(x)). These are commonly referred to as Phase I construction activities or "large" construction activities.

The regulation entitled "National Pollution Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges" (64 FR 68722) was published by EPA on December 8, 1999. This regulation, known as Phase II of the storm water program, expands the existing NPDES storm water program to address discharges that result in land disturbance of: equal to or greater than one and less than five acres; less than one acre if part of a larger common plan of development or sale that disturbs between one and five acres; and other construction activities designated by EPA based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States (40 CFR §122.26(b)(15)(ii)). However, the Phase II rule allows for the exclusion of certain sources from permit coverage based on a demonstration of the lack of impact on water quality, as well as the inclusion of others based on a higher likelihood of localized adverse impact on water quality. Exclusion from the program is available through waivers to operators of small construction activity who certify for one of the available waivers.

All large construction activities, regulated under 40 CFR §122.26(b)(14)(x), are required to obtain coverage under a storm water permit including sites disturbing less than five acres that are part of a larger common plan of development or sale that has the potential to disturb five or more acres collectively. A similar permit requirement exists for small construction activities, regulated under 40 CFR §122.26(b)(15)(i), that disturbs less than one acre but are part of a larger common plan of development or sale having the potential to disturb at least one, but less than five acres collectively. Examples of these would be lots in a subdivision or industrial park.

To help clarify what projects must be addressed as part of a "common plan of development or sale" and what projects can be considered on their own merit, EPA is addressing the issue of non-contiguous construction activities. Where discrete construction projects within a larger common plan of development or sale are located at least 1/4 mile apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed. For example, two oil and gas well pads separated by 1/4 mile could be treated as separate "common plans." However, if the same two well pads and an interconnecting access road were all under construction at the same time, they would generally be considered as part of a single "common plan" for permitting purposes. If a utility company was constructing new trunk lines off an existing transmission line to serve separate residential subdivisions located more than 1/4 mile apart, the two trunk line projects could be considered to be separate projects.

For situations where a common plan of development or sale exists and a single SWPPP is developed for an entire site, the requirements and burdens associated with maintaining permit compliance can be commensurately reduced as portions of the site are stabilized. For example, BMPs may be removed and inspections ceased for a stabilized area, as long as the threat of pollutants in any discharges from the area resulting from construction or construction-related activities no longer exists. It is not necessary to revise the NOI in this situation. Instead, the

construction operator must thoroughly document all activities leading up to and including final stabilization, so that an inspector will understand that BMPs and regular inspections are no longer needed in that area.

The NPDES regulations, at 40 CFR §122.44(s) provide for the incorporation of qualifying State, Tribal or local erosion and sediment control program requirements by reference into the CGP for both small and large construction activities. Under that provision, the CGP would require compliance with the qualifying local program rather than with two different sets of requirements (i.e., CGP and the qualifying program). EPA has opted not to include any qualifying State, Tribal or local erosion and sediment control program requirements in the CGP at this time.

Federal regulations, at 40 Part 125, Subpart M, establish guidelines for issuance of NPDES permits for the discharges into the territorial seas, the contiguous zone, and the oceans. The regulations specify that EPA shall determine whether a discharge will cause unreasonable degradation of the marine environment based on consideration of a number of factors (see 40 CFR §125.122(a)). EPA has made the determination that the CGP is designed to control discharges such that these discharges that are in compliance with the terms and conditions of this permit will not cause unreasonable degradation of the marine environment. As such, this permit is consistent with provisions specified in 40 CFR §125.123(a).

EPA issued the first round of the Phase I construction general permit on two dates: September 9, 1992, for certain States and territories, and September 25, 1992, for the other States and territories where EPA was the Permitting Authority. The Phase I permit was commonly referred to as the Baseline Construction General Permit. The second-round permit (also known as the “national construction general permit”), issued February 17, 1998, was for use in the states, territories and Indian country in EPA Regions 1, 2, 3, 7, 8, 9, and 10 where EPA was the NPDES permitting authority. EPA Region 4 issued its permit on March 31, 1998 (63 FR 15621) that was modified on April 28, 2000 (65 FR 25122). EPA Region 6 issued its permit on July 6, 1998 (63 FR 36490). Today’s permit reflects changes under Phase II of the storm water program, and is for use in all states, territories, and Indian country where EPA is the NPDES permitting authority, except in EPA Region 4. Operators of construction projects in EPA Region 4 should continue to seek coverage under the appropriate permit, either the Region 4 CGP, another applicable EPA permit, or a state permit.

Operators of construction projects in EPA Region 6, previously not covered under the national construction general permit, may now be covered by the terms of this permit. The previous Region 6 construction general permit covered the states of New Mexico and Texas; Indian Country in Louisiana, Oklahoma, Texas and New Mexico (except Navajo Reservation Lands [see Region 9] and Ute Mountain Reservation Lands [see Region 8] until July 7, 2003. Upon expiration, operators of construction projects in Region 6 where EPA is the permitting authority must re-apply for coverage under this CGP (see Subpart 1.2 of the CGP for locations where EPA is the Permitting Authority). Operators of construction projects in Texas, other than oil, gas, and pipeline construction, must seek coverage under Texas’ permit. More information is available for Texas operators at: www.tceq.state.tx.us/index.html. Operators of discharges in Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492X and 5171) and point source discharges associated with agricultural production, services, and silviculture Includes SIC Groups 01, 02, 07, 08, and 09), and discharges in the Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly the Texas Natural Resource Conservation Commission), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline must seek coverage under this CGP or, if appropriate, submit a waiver certification form. EPA Region 6 is hereby providing notice pursuant to Subpart VI.B.4 of the Region 6 permit published July 6, 1998, that those permits will not be reissued and permit coverage under those permits will not be administratively continued after permit expiration.

IV. Summary of Options for Controlling Pollutants

EPA is providing the following information on controlling pollutants in storm water discharges to assist permittees in preparing SWPPPs. Most controls for construction activities can be categorized in either of two groups: (1) erosion and sediment controls and (2) storm water management measures.

Sediment and erosion controls ordinarily address pollutants in storm water generated from the site during active construction-related work. Storm water management measures are customarily installed before, and coincident with, completion of construction activities, but primarily result in reductions of pollutants in storm water discharged from the site after the construction has been completed. Additional measures that should be employed throughout a project include housekeeping BMPs, such as materials management and litter control.

1. Sediment and Erosion Controls

Erosion controls provide the first line of defense in preventing off-site sedimentation and are designed to prevent erosion through protection and preservation of soil. Sediment controls are designed to remove sediment from runoff before the runoff is discharged from the site. Sediment and erosion controls can be further divided into two major classes of controls: stabilization practices and structural practices. Typically, a combination of stabilization practices and structural practices (as well as storm water management and housekeeping measures) are necessary throughout the site to provide adequate water quality protection. Major types of sediment and erosion practices are summarized below. A more thorough description of these practices is given in “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,” U.S. EPA, 1992 (www.epa.gov/npdes/pubs/owm0307.pdf). Permittees should also consider the construction of new projects in phases to minimize the amount of bare soil which is exposed at one time and the amount of stabilization or structural controls that would be required.

A. Stabilization Practices

Stabilization refers to covering or maintaining an existing cover over soil. Vegetative cover includes grass, trees, vines, shrubs, etc. Stabilization measures can also include non-vegetative controls such as geotextiles, riprap or gabions (wire mesh boxes filled with rock). Mulches such as straw or bark can be somewhat effective at stabilization in stand-alone fashion but are most effective when used in conjunction with vegetation.

Stabilization of exposed soil is one of the foremost means to minimize pollutant discharge during construction activities. Stabilization reduces erosion potential by intercepting water so that it infiltrates into the ground instead of running off the surface, and slowing the velocity of runoff, thereby promoting deposition of sediment already being carried. Stabilization provides large reductions in the levels of suspended sediment in discharges and receiving waters. Examples of stabilization measures are summarized below.

- Temporary Seeding. Seeding of temporary vegetation provides stabilization by establishing vegetative cover at areas of the site where earth disturbing activities have temporarily ceased, but will resume later in the construction project. Without temporary stabilization, soil can be exposed to precipitation for an extended period leaving it vulnerable to erosion, even though earth-disturbing activities are not occurring on these areas. Temporary seeding practices have been found to be up to 95 percent effective in reducing erosion.¹
- Permanent Seeding. Establishing a permanent and sustainable ground cover at a site stabilizes the soil and hence reduces sediment in runoff. Permanent seeding is typically required at most sites for aesthetic reasons.
- Mulching. Mulching is often done coupled with permanent and temporary seeding. Where temporary or permanent seeding is not feasible, exposed soil can be stabilized by spreading plant residues or other suitable materials on the soil surface. Although generally not as effective as vegetation, mulching by itself provides a measure of temporary erosion control. Mulching in conjunction with seeding provides erosion protection prior to the onset of plant growth. In addition, mulching protects newly-applied seeds, providing a higher likelihood of successful vegetation. To maintain its effectiveness, mulch should be anchored to resist wind displacement.
- Sod Stabilization. Sod stabilization involves establishing long- term stands of grass by planting sod on exposed surfaces. When maintained properly, sod can be more than 99 percent effective in reducing erosion, and is the most immediately effective vegetation method available. However, the cost of sod stabilization (relative to other vegetative controls) typically limits its use to situations where a quick vegetative cover is desired (e.g., steep or erodible slopes) and sites which can be maintained with ground equipment. Sod is also sensitive to climate and may require intensive watering and fertilization.²
- Vegetative Buffer Strips. Vegetative buffer strips are indigenous or replanted strips of vegetation located at the top and bottom of a slope, outlining property boundaries or adjacent to receiving waters such as streams or wetlands. Vegetative buffer strips can slow runoff at critical locations, decreasing erosion and allowing sedimentation. They can be especially useful for very narrow linear construction projects such as underground utilities or pipelines.
- Preservation of Trees. This practice involves preserving selected trees already on-site prior to development. Mature trees provide extensive canopy and root systems which protect and hold soil in

¹Guidelines for Erosion and Sediment Control in California; USDA, Soil Conservation Service, Davis, CA; revised 1985.

²Ibid.

place. Shade trees also keep soil from drying rapidly, decreasing the soil's susceptibility to erosion. Measures taken to protect trees can vary significantly, from simply installing tree armor and fences around the drip line, to more complex measures such as building retaining walls and tree wells. Along with the erosion benefits provided by trees, they can also add to the aesthetics and value of the property.

- **Contouring and Protection of Sensitive Areas.** Contouring refers to the practice of building in harmony with the natural flow and contour of the land. By minimizing changes in the natural contour of the land, existing drainage patterns are preserved as much as possible, thereby reducing erosion. Minimizing the amount of regrading done will also reduce the amount of soil being disturbed. The preservation of sensitive areas at a site such as steep slopes and wetlands should also be a priority. Disturbance of soil on steep slopes should be avoided due to vulnerability to erosion. Wetlands should be protected because they provide flood protection, pollution mitigation and an essential aquatic habitat.

B. Structural Practices

Structural practices involve the installation of devices to divert, store or limit runoff. Structural practices have several objectives. First, structural practices can be designed to prevent water from flowing on disturbed areas where erosion may occur. This involves diverting runoff from undisturbed, up-slope areas through use of earth dikes, temporary swales, perimeter dikes or other diversions to stable areas. Another objective of structural practices may be to cause sedimentation before the runoff leaves the site. Methods for removing sediment from runoff include diverting flows to a trapping or storage device or filtering diffuse flows through on-site silt fences. All structural practices require proper maintenance (e.g., removal of collected sediment) to remain functional and should be designed to avoid presenting a safety hazard - especially in areas frequented by children.

- **Earth Dikes.** Earth dikes are temporary berms or ridges of compacted soil that channel water to a desired location. Earth dikes should be stabilized with vegetation or an equally efficacious method.
- **Silt Fences.** Silt fences are a barrier of geotextile fabric (filter cloth) used to intercept sediment in diffuse runoff. They must be firmly anchored and may require additional support, such as reinforcing with wire mesh. Used alone, silt fences are usually inappropriate for flows of concentrated high volume or high velocity. They must be carefully maintained to ensure structural stability and be cleaned of excess sediment.
- **Drainage Swales.** A drainage swale is a channel lined with grass, riprap, asphalt, concrete or other materials. They are installed to convey runoff without causing erosion.
- **Sediment Traps.** Sediment traps are installed in drainage pathways, at storm drain inlets or other discharge points from disturbed areas. They are temporary structures designed to reduce water velocity and subsequently allow soil particles to settle.
- **Check Dams.** Check dams are small temporary dams constructed across a swale or drainage ditch to reduce the velocity of runoff, thereby reducing erosion in the swale or ditch. They should not be used in a permanent stream. More elaborate erosion controls in a flow conduit may be unnecessary if check dams are installed, due to the decrease in energy of the runoff.
- **Level Spreaders.** Level spreaders are outlets for dikes and flow channels consisting of an excavated depression constructed at zero grade across a slope. Level spreaders convert concentrated runoff into diffuse flow and release it onto areas stabilized by existing vegetation.
- **Subsurface Drains.** Subsurface drains transport runoff to an area where the water can be managed effectively. Drains can be made of tile, pipe, or tubing.
- **Pipe Slope Drains.** A pipe slope drain is a temporary runoff conveyance running down a slope to prevent erosion on the face of the slope.
- **Temporary Storm Drain Diversions.** Temporary storm drain diversions are used to re-direct flow in a storm drain for capturing sediment in a trapping device.
- **Storm Drain Inlet Protection.** Storm drain inlet protection reduces sediment entering storm drainage systems prior to permanent stabilization of disturbed areas. Examples include a sediment filter or an excavated detention area around a storm drain inlet.
- **Rock Outlet Protection.** Rock protection placed at the outlet of conduits can reduce the depth and velocity of water so the flow will not cause downstream erosion.
- **Other Controls.** Examples of other controls include temporary sedimentation basins, sump pits, entrance stabilization, waterway crossings and wind breaks.

2. Storm Water Management Measures

Storm water management measures are usually installed before, and coincident with, completion of construction activities. The measures primarily result in reductions of pollutants in storm water discharged from the site after cessation of construction activities. Storm water management may also be needed for compliance with flood control requirements (that may be unrelated to NPDES requirements).

Construction frequently causes significant alterations in the characteristics of the affected land. One such change is an increase in the overall imperviousness of the site, which can dramatically affect the site's flow patterns. An increase in runoff may increase the amount of pollutants carried by the runoff. In addition, some activities (e.g., automobile travel on newly-built roads) can result in higher pollutant concentrations in runoff compared to pre-construction levels. Traditional storm water management controls attempt to limit increases in the amount of runoff and pollution discharged from land impacted by construction.

Storm water management measures include, but are not limited to, on-site infiltration of runoff, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, storm water retention basins and artificial wetlands, and storm water detention structures. For many sites, a combination of these controls may be appropriate. A summary of storm water management controls is provided below. A more complete description of storm water management controls is found in 'Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,' U.S. EPA, 1992, and "A Current Assessment of Urban Best Management Practices," Metropolitan Washington Council of Governments, March 1992. In designing storm water controls, features that would pose a safety hazard - especially for children - should be avoided and/or have limited public access.

On-Site Infiltration. Inducing infiltration, through infiltration trenches or basins, can reduce the volume and pollutant loadings of storm water discharges from a site. Infiltration measures tend to mitigate impacts to an area's natural hydrologic characteristics. Properly designed and installed infiltration constructs can reduce peak discharges, facilitate recharging of the groundwater, augment low flow conditions in receiving streams, reduce storm water discharge volumes and pollutant loads, and inhibit downstream erosion.

Infiltration measures are particularly effective in permeable soils and where the water table and bedrock are well below the surface. Infiltration basins can also double as sediment basins during construction. Infiltration trenches can be easily incorporated into less active areas of a development and are appropriate for small sites and in-fill developments. However, trenches may require regular maintenance to prevent clogging, particularly where grass inlets or other sedimentation measures are not used. In some situations, such as low density areas of parking lots, porous pavement can provide for infiltration.

Flow Attenuation by Vegetation or Natural Depressions. Flow attenuation caused by vegetation or natural depressions can facilitate pollutant removal and infiltration and can reduce the erosivity of runoff. Use of vegetative flow attenuation measures can protect habitats and enhance the appearance of a site. These measures include grass swales and filter strips as well as trees that are either preserved or planted during construction.

Given their limited capacity to accept large volumes of runoff (and the concomitant erosivity), vegetative controls should usually be used in combination with other storm water devices. Incorporating check dams into flow paths can provide additional infiltration and flow attenuation. Grass swales are typically used in areas such as low or medium density residential development and highway medians as an alternative to curb and gutter drainage system. In general, the costs of vegetative controls are less than for other storm water measures.

Outfall Velocity Dissipation Devices. Outfall velocity dissipation devices include riprap and stone or concrete flow spreaders. They slow the flow of water discharged from a site thereby reducing erosion.

Retention Structures/Artificial Wetlands. Retention structures are ponds and artificial wetlands that are designed to maintain a permanent pool of water. Properly installed and maintained retention structures (also known as wet ponds) and artificial wetlands can achieve a high removal rate of sediment, biochemical oxygen demand (BOD), organic nutrients and metals, and are most cost-effective when used to control runoff from larger, intensively developed site. These constructs rely on settling and biological processes to remove pollutants. Retention ponds and artificial wetlands can also become wildlife habitats, recreation, and landscape amenities, and increase local property values.

While the Agency believes artificial wetlands can be one of the most effective long-term storm water management measures, EPA also recognizes the potential problems to which wetlands may contribute at certain sites. This could be the case at airports where bird populations drawn to wetlands proximate to runways/taxiways may endanger moving aircraft. EPA recommends that structures that maintain continuous habitat for wildlife not be

constructed within 10,000 feet of a public-use airport serving turbine-powered aircraft, or within 5,000 feet of a public-use airport serving piston-powered aircraft. EPA, as always, stresses public safety and sound engineering judgement in the implementation of any storm water measure, control or BMP.

Water Quality Detention Structures. Storm water detention structures, which include extended detention ponds, control the rate at which water drains after a storm event. Extended detention ponds are usually designed to completely drain in about 24 to 48 hours and to remain dry at other times. They can provide pollutant removal efficiencies similar to those of retention pond. Extended detention systems are typically designed to provide both water quality and water quantity (flood control) benefits.

3. Housekeeping Best Management Practices (BMPs)

Pollutants that could be discharged in storm water from construction sites because of poor housekeeping include oil, grease, paints, gasoline, concrete truck wash down, raw materials used in the manufacture of concrete (sand, aggregate, and cement), solvents, litter, debris and sanitary wastes. Construction site SWPPPs should address the following to prevent the discharge of pollutants:

- Designate and control areas for equipment maintenance and repair;
- Provide waste receptacles at convenient locations and regular collection of wastes;
- Locate equipment wash down areas on site, and provide appropriate control of washwater to prevent unauthorized dry weather discharges and avoid mixing with storm water;
- Provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials; and
- Provide adequately maintained sanitary facilities.

V. Summary of Permit Conditions

This section has been written in an informal style and follows the structure of the CGP, but does not reflect verbatim the actual language used in the permit. It is intended to help the regulated community and members of the public understand the intent and basis of the actual permit language. If any confusion or conflicts exist between this summary and the actual CGP language, the permittee must comply with the CGP as written.

1. Coverage Under This Permit

1.1 Introduction

This Construction General Permit (CGP) authorizes storm water discharges from large and small construction-related activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface waters of the United States or a Municipal Separate Storm Sewer System (MS4). EPA is also making this permit available, consistent with 40 CFR §122.26(b)(15(ii)), for storm water discharges from any other construction activity designated by EPA based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States. This permit expands coverage from the 1998 CGP that provided coverage for large construction sites (i.e., those disturbing greater than 5 acres) to include both small and large construction activities (i.e., any project disturbing greater than one acre).

One significant change from the 1998 CGP to the 2003 CGP is that EPA now presents permit language in a more reader-friendly, plain language format. In several places in the CGP, EPA has replaced the terms “operator”, “applicant”, and “permittee” with the easier-to-understand terms of “you” or “your.” As such, once an operator requests coverage under the CGP, the CGP is worded to speak directly to that operator, who is now the permittee.

Similar to the 1998 CGP, the goal of this permit is to reduce or eliminate storm water pollution from construction activity through development and implementation of an appropriate SWPPP.

1.2 Permit Area

As noted above, the CGP is actually a compilation of numerous identical permits, each with its own NPDES permit number. Each separate CGP is individually numbered and only makes available coverage to construction activities in the permit's designated area or category (e.g., State, Federal facility within a State, Indian Country,

etc.). A list of each of these areas, along with the associated NPDES permit number, is provided in Appendix B of the permit. Each permittee will be assigned a tracking number associated with the appropriate NPDES permit number when his or her Notice of Intent (NOI) is received and processed by EPA.

This permit modifies the area of available coverage from the February 1998 CGP and is now available for all areas, except those within EPA Region 4, for which EPA is the permitting authority. Specifically, this permit includes those activities previously covered by the EPA Region 6 CGP (63 FR 36489, July 6, 1998), adds Indian Country in EPA Region 5, and clarifies those oil and gas related activities in Oklahoma for which EPA remains the permitting authority. This permit excludes those areas that have recently been authorized to administer the NPDES Permitting Program (i.e., the State of Maine and the State of Arizona). EPA will continue to be the permitting authority for Indian Lands in the State of Arizona.

State Coastal Zone Management Act (CZMA) certification was not received from Massachusetts in time for that state to be included in this permit. As such, large construction activities in Massachusetts covered under the 1998 CGP will continue to be covered under that permit. EPA will reissue the CGP for Massachusetts for large and small construction activities at a later date, and will include any state-specific modifications or additions as part of the State's CZMA certification process.

1.3 Eligibility

This section of the permit describes those requirements that are a pre-condition to obtaining coverage under the CGP. Specifically, only construction activities that meet the eligibility conditions in Subpart 1.3 can be covered by this permit. As such, if an operator is not eligible for coverage under the CGP, but files an NOI requesting coverage, then any discharges are considered to be unpermitted and in violation of the Clean Water Act. However, once eligibility has been attained, if the operator does not comply with the requirements of the CGP, the operator may be in violation of the CGP for otherwise eligible discharges.

1.3.A Allowable Storm Water Discharges. This permit authorizes all discharges of storm water from construction activities except those excluded under Limitations on Coverage (Subpart 1.3.C) in the CGP. Coverage under the CGP is authorized for:

- Storm water discharges associated with construction activities from either large or small construction sites (including storm water discharges from operators disturbing less than one acre that are part of a larger common plan of development or sale that, combined, disturbs one acre or more);
- Storm water discharges from sites disturbing less than one acre, but designated by EPA as needing coverage under the CGP;
- Storm water discharges from construction site support activities given that these support activities are directly related to the construction site with NPDES CGP coverage; and
- Any discharge authorized by a different NPDES permit commingled with discharges authorized by this permit.

As noted above, activities that occur on-site in support of construction activity are covered under the CGP. Specifically, the permit authorizes discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.) for local project(s) with which an operator is currently involved (e.g., a concrete batch plant providing concrete to several different highway projects in the same county). Authorization of this discharge is contingent upon (1) the support activity not being a commercial operation serving multiple, unrelated construction projects and not operating beyond the completion of the last related construction project it serves; and (2) appropriate controls are identified in the SWPPP for the discharges from the support activity areas.

1.3.B Allowable Non-Storm Water Discharges. This permit authorizes certain non-storm water discharges associated with construction activity, provided that the non-storm water component is in compliance with Subpart 3.5 of the permit. Specifically, operators are required to identify in the SWPPP all allowable sources of non-storm water discharges and must identify and ensure the implementation of appropriate pollution prevention measures for these discharges. The operator should also eliminate or reduce these discharges to the extent feasible. Allowable non-storm water discharges include those listed in Subpart 1.3.B of the CGP. Two additional sources have been added since the 1998 CGP. Specifically, the permit includes uncontaminated excavation dewatering and landscape irrigation. These two sources were added to address concerns of operators that certain uncontaminated site discharges were not covered under the 1998 CGP and may need coverage under an additional NPDES permit.

1.3.C Limitations on Coverage. Not all storm water discharges from construction sites are authorized by this permit. Specifically excluded are:

1.3.C.1 Post Construction Discharges. Storm water discharges originating from a site after construction activities have ceased, the site has achieved final stabilization, and a Notice of Termination has been submitted. If there will be a discharge of storm water associated with industrial activity, or some other regulated discharge from the completed project (e.g., wastewater from a newly-constructed chemical plant), coverage under another permit(s) must be obtained for those discharges.

1.3.C.2 Prohibition on Discharges Mixed With Non-Storm Water. Storm water discharges that are mixed with non-storm water sources, other than those identified in and complying with the permit. Non-storm water discharges that are authorized under a different NPDES permit may be commingled with discharges authorized under this permit.

1.3.C.3 Discharges Covered by Another Permit. Storm water discharges associated with construction activity that are covered under an individual permit or discharges required to be covered under an alternative general permit.

1.3.C.4 Attainment of Water Quality Standards. Federal regulations at 40 CFR §122.4(d) provide that no permit may be issued if the “conditions cannot ensure compliance with the applicable water quality requirements.” Unlike individual permits that include requirements tailored to site-specific considerations, general permits, while tailored to specific industrial processes or types of discharges (e.g. offshore oil and gas or storm water), do not contain site-specific requirements that address the water quality conditions of the waters receiving the discharge.

Therefore, general permits rely on permittees to certify that they meet the eligibility conditions and implement requirements that will ensure compliance with the conditions of the permit. The permit requirements are intended to ensure that those seeking coverage under this general permit select, install, implement, and maintain BMPs at their construction site that will be adequate and sufficient to meet water quality standards for all pollutants of concern.

For the CGP, eligibility provisions do not hinge on the operator making a determination of compliance with applicable water quality standards. Rather, the permit limits operators from obtaining coverage under this permit if EPA makes such a determination. In those instances when EPA does make such a determination, EPA may require the operator to obtain coverage under an individual permit or may allow coverage under the CGP provided that the operator includes appropriate controls and implementation procedures in its SWPPP. As is required in Subpart 4.5 of the CGP, operators are required to select, install, implement, and maintain BMPs that minimize pollutants in the discharge. Except where specifically required by EPA to perform additional measures, these BMPs will be considered as stringent as necessary to ensure that discharges do not cause or contribute to an excursion above any applicable state water quality standard. As such, EPA expects that compliance with the terms of the general permit will ensure compliance with water quality standards.

1.3.C.5 Discharging into Receiving Waters With an EPA Approved or Established Total Maximum Daily Load (TMDL) Analysis.

A Total Maximum Daily Load (TMDL) is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Under current regulations and EPA program guidance (40 CFR §130.2 and §130.7), states establish TMDLs that include wasteload allocations from point sources, and load allocations from non-point sources and natural background conditions. Wasteload allocations are defined as the portion of a receiving water's loading capacity that is allocated to point sources dischargers. TMDLs are established at levels necessary to attain and maintain the applicable narrative and numerical water quality standards with seasonal variations and a margin of safety that take into account any lack of knowledge concerning the relationship between effluent limitations and water quality. TMDLs are developed on a pollutant- and waterbody-specific basis. In some instances, TMDLs may combine multiple pollutants into one set of TMDL documents; however, the specific TMDL wasteload and load allocations are to be pollutant-specific. States are responsible for establishing TMDLs, which EPA approves. In some instances, EPA establishes the TMDLs. Once established or approved by EPA, TMDLs are implemented through water quality management plans and through NPDES permits. NPDES regulations, at 40 CFR §122.44(d)(1)(vii)(B), require that EPA ensure that NPDES permit limits are consistent with the assumptions and requirements of any available wasteload allocation pursuant to 40 CFR §130.7. Generally, this requires EPA to ensure that NPDES permits incorporate applicable assumptions and requirements detailed in TMDLs approved or established by EPA.

Those seeking coverage under the CGP are responsible for determining whether specific conditions, over and above other requirements of the CGP, have been identified by the TMDL authority as necessary to ensure consistency with the assumptions and requirements of TMDLs approved or established by EPA. There may be

documents accompanying the TMDL (e.g., an implementation plan) or other documents that indicate the TMDL writer's intent to allocate a load for an individual discharger or for a class of dischargers. To the extent such documents are available, the operator should consider these materials when determining whether your discharge will be consistent with the TMDL. EPA encourages the operator to contact the authority that established the TMDL -- in most cases, the states -- to seek clarification if significant concerns exist over whether its activity will be consistent with a TMDL.

Consistent with EPA regulations and guidance, the CGP requires that the operator determine whether an EPA approved or established TMDL exists that specifically addresses its discharge and if so, take necessary actions to be consistent with the assumptions and requirements of that approved TMDL. To make this determination, the operator will need to (1) determine the waterbody into which it discharges, (2) identify if there is an approved TMDL for that waterbody, (3) determine if that TMDL includes specific requirements (e.g., wasteload allocation or load allocation) applicable to its construction site, and (4) if so incorporate those requirements into the SWPPP and implement necessary steps to comply with them. EPA generally agrees that construction activities should not be delayed because the TMDL authority failed to specify all sources of loading in the TMDL. EPA is not requiring that construction activities be delayed until such time as a TMDL can be revised. EPA has utilized a framework that allows the construction site operator to obtain clarification from the TMDL authority on discharge provisions that would allow authorization under the CGP. EPA established a website at www.epa.gov/npdes/stormwater/cgp that includes links to state TMDL information and contacts. EPA expects that permittees can access that website and identify either (1) the steps needed to be consistent with the assumptions and requirements of the TMDL or (2) a state or regional contact for making this determination. The operator may access that site or contact their state environmental agency or EPA region directly to make this determination. For construction activity authorized by EPA Region 8, TMDL information and contacts are available at: www.epa.gov/region08/water/stormwater/index.html. For more information on EPA's National TMDL program, including state and regional contacts, state maps showing impaired waterbodies, and example TMDLs, visit: www.epa.gov/owow/tmdl.

EPA recognizes that TMDLs vary in the complexity of their assumptions and quantification. In the process of determining whether or not an operator is consistent with the TMDL, the state or regional TMDL contact may request additional information. The TMDL may include details regarding recommended implementation activities that include certain narrative provisions such as implementation of specific BMPs; specified inspection, discharge monitoring or characterization, education, tracking or reporting requirements; or some combination of these or other conditions. In addition, some States may include implementation provisions in their TMDLs, although EPA regulations do not require this, and EPA does not approve or disapprove TMDLs based on these implementation provisions. However, any implementation language included in the TMDL that applies to construction general permit discharges should be considered part of the TMDL for the purposes of determining consistency of the SWPPP with the TMDL. Further, EPA is clarifying that if the TMDL includes load allocations that the permitting jurisdiction later determines is for a discharge subject to this permit, then the load allocation is considered to be a wasteload allocation, and the SWPPP needs to demonstrate consistency with any specific requirements implementing this load allocation.

As described in the permit, EPA will begin with the general assumption that where EPA has approved a TMDL that does not include a specific allocation for storm water discharges, or where the TMDL authority clarifies that it did not include a specific allocation for storm water or for construction activities, adherence to a SWPPP that meets the requirements of the CGP will be consistent with the assumptions and requirements of such TMDLs. Inferring that the TMDL authority did not intend to make it impossible to permit storm water discharges in the absence of any discussion on this topic in the TMDL is reasonable because both construction activity and rainfall are so ubiquitous that it is unlikely that a policymaker would make such a significant decision consciously through silence. EPA will generally assume that such discharges were accounted for by the author of the TMDL, even if such discharges are not addressed specifically. Therefore, in the situation where an EPA approved or established TMDL has not specified a wasteload allocation for construction storm water discharges, but has not specifically excluded these discharges, compliance with a SWPPP that meets the requirements of the CGP will generally be assumed to be consistent with the approved TMDL. Similarly, where an EPA approved or established TMDL has specified a general wasteload allocation for construction storm water discharges, but no specific requirements for individual construction sites have been identified, either in the TMDL, a watershed plan, or other similar document, then compliance with a SWPPP that meets the requirements of the CGP will generally be assumed to be consistent with the approved TMDL. If the EPA approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under the CGP. In selecting this approach, EPA is trying to balance the need to include permit conditions consistent with TMDLs with the need to clearly define permittee responsibilities.

1.3.C.6 Endangered and Threatened Species and Critical Habitat Protection. Before submitting an NOI, the operator must ensure and document that discharges are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or result in the adverse modification or destruction of habitat that is Federally-designated as critical under the Endangered Species Act (ESA).

The U. S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) are responsible for administration of the ESA and as such are responsible for maintaining a list of protected species and critical habitat. Once listed as endangered or threatened, a species is afforded the full range of protections available under the ESA, including prohibitions on killing, harming or otherwise taking a species. In certain instances, FWS or NMFS may establish a critical habitat for a threatened or endangered species as a means to further protect those species. Critical habitat are areas determined to be essential for the conservation of a species and may not necessarily be in an area currently occupied by the species. Some, but not all, listed species have designated critical habitat. Exact locations of such critical habitat are provided in the Services regulations at 50 CFR Parts 17 and 226.

EPA has developed a four-step process (Appendix C) to make this determination. The project “owner” or developer performs the endangered species analysis during the planning stages of a project (i.e., before construction is scheduled to begin). By design, this effort should not have to be repeated by the contractors, homebuilders, utilities, etc., whose involvement in the project will not happen until later. See Appendix C of the permit for the ESA Review Procedures to determine eligibility prior to submittal of the NOI. EPA strongly recommends that the operator follow the Appendix C procedures at the earliest possible stage to ensure that measures to protect listed threatened and endangered species and designated critical habitat are incorporated early in the planning process. At a minimum, the operator must document fully the procedures used to determine eligibility prior to submittal of the NOI.

This permit provides for the possibility of multiple permittees at a construction site. Operators should be aware that in many cases they can meet the CGP eligibility requirements by relying on another operator’s certification of eligibility as specified in Criterion F under Subpart 1.3.C.6 of the CGP.

By certifying eligibility under Criterion F of Subpart 1.3.C.6, the operator agrees to comply with any measures or controls upon which the other operator’s certification under Criterion A, B, C, D, or E of Subpart 1.3.C.6 was based. This situation will typically occur where a developer or primary contractor, conducts a comprehensive assessment of effects on listed species and critical habitat for the entire construction project, certifies eligibility under Criterion A, B, C, D, or E and that certification is relied upon by other operators (i.e., contractors) at the site. However, operators that consider relying on another operator’s certification should carefully review that certification and any supporting information, and assess whether there is any reason to believe that listed species or designated critical habitat not considered in the prior certification may be present or located in the project area (due, for example, to a new species listing or critical habitat designation). If an operator does not believe that the other operator’s certification provides adequate coverage for the operator’s storm water discharges and storm water discharge-related activities or for the operator’s particular project area, the operator must provide its own independent certification under Criterion A, B, C, D, or E.

The project area will vary with the size and structure of the construction activity, the nature and quantity of the storm water discharges, the storm water discharge-related activities and the type of receiving water. Given the number of construction activities potentially covered by the CGP, no specific method to determine whether listed species may be located in the project area is required for coverage under the CGP.

It is important to note that discussion or formal or informal consultation with FWS and/or NMFS should begin prior to submission of a permit application if the applicant is unclear about whether he or she can satisfy Appendix C without FWS and/or NMFS input.

The operator also has an independent ESA obligation to ensure that its activities do not result in any prohibited “takes” of listed species.³ Many of the measures required in the CGP and in these instructions to protect species may also assist operators in ensuring that their construction activities do not result in a prohibited take of species in violation of section 9 of the ESA. Operators who plan construction activities in areas that harbor endangered and threatened species are advised to ensure that they are protected from potential takings liability under ESA section 9 by obtaining either an ESA section 10 permit or by requesting formal consultation under ESA section 7 (as described in more detail in Step Four of the ESA Review Procedures in Appendix C of the CGP). Operators

³ Section 9 of the ESA prohibits any person from “taking” endangered wildlife (e.g., harassing or harming it). See ESA Sec 9; 16 U.S.C. §1538. The FWS has extended generally that prohibition to threatened wildlife by regulation at 50 CFR §17.31. This prohibition applies generally to all entities including private individuals, businesses, and governments. Section 9(a)(2) details the prohibited acts relating to endangered plants, which primarily apply on federal lands or to actions prohibited by State law.

who seek protection from takings liability should be aware that it is possible that some specific construction activities may be too unrelated to storm water discharges to be afforded incidental take coverage through an ESA section 7 consultation that is performed to meet the eligibility requirements for CGP coverage. In such instances, operators should apply for an ESA section 10 permit. Where operators are not sure whether to pursue a section 10 permit or a section 7 consultation for takings protection, they should confer with the appropriate FWS or NMFS office.

EPA received concurrence from FWS under section 7 of the Endangered Species Act on the construction general permit in a letter dated June 4, 2003 and received concurrence from NMFS in a letter dated June 20, 2003. In addition to ESA, the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act set forth a number of new mandates for NMFS, regional fishery management councils, and Federal agencies to identify and protect important marine and anadromous fish habitat. Regional fishery management councils, with assistance from NMFS, are required to delineate Essential Fish Habitat (EFH).

The Magnuson-Stevens Act requires that Federal agencies consult with NMFS on all actions undertaken by the agency, including permit issuance, which may adversely affect EFH. Final revised regulations addressing such consultations were promulgated by NMFS on January 17, 2002 (67 Fed. Reg. 2343). The term “adverse effect” is defined in the NMFS regulations at 50 CFR §600.910 as any impact that “reduces quality and/or quantity of EFH”, and may include “direct or indirect physical, chemical or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystem components.”

This permit controls storm water discharges from small construction activities in addition to continuing to cover large construction activities. As noted earlier, the permit requires the development and implementation of a SWPPP to control pollutants in the discharges. This SWPPP must protect water quality in the affected waters, including designated aquatic life uses in those waters. Since the SWPPPs adequately protect water quality, including aquatic life, EPA has determined that the permit issuance will not adversely affect EFH. As such, in accordance with 50 CFR §600.920, EPA is not consulting with NMFS concerning this action.

1.3.C.7 Historic Properties. [Reserved] Operators are reminded that they must comply with applicable state, tribal, and local laws concerning the protection of historic properties and places. EPA is continuing discussions with the Advisory Council on Historic Preservation and may modify the CGP at a later date based on those discussions.

1.4 Waivers for Small Construction Activities.

Phase II extends the requirements of the storm water program from construction sites disturbing five or more acres (large construction) to sites disturbing between one and five acres (small construction), although EPA may also waive small construction sites that do not have adverse water quality impacts. To receive a waiver, the operator of a small construction activity must certify to a low predicted rainfall erosivity or lack of water quality impacts. See Part VI of the fact sheet for more information on waivers.

A low predicted rainfall erosivity exists during the period of construction activity resulting in a period when the value of the rainfall erosivity factor is less than 5. If the construction activity extends past the dates specified in the waiver certification, the operator must recalculate the waiver using the original start date and a new ending date. If the R-Factor is still under 5, a new waiver certification form must be submitted. If the recalculated R-Factor is greater than 5, an NOI must be submitted prior to the end of the waiver period for the operator to be covered by the permit. Details of procedures for determining eligibility for the low predicted rainfall erosivity waiver are provided in Appendix D.

A determination that storm water controls are not necessary may also be based on a total maximum daily load (TMDL) approved or established by EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. The operator must certify that the construction activity and the drainage area are addressed by the TMDL or equivalent analysis. Details of procedures for determining eligibility for these waivers are provided in Appendix D.

2. Authorizations for Discharges of Storm Water From Construction Activity

Operators of construction sites greater than one acre, or those designated by EPA, are required to submit Notices of Intent (NOI) to obtain permit coverage (40 CFR §122.28(b)(2)). Submission of a complete and accurate NOI eliminates the need to apply for an individual permit for a regulated discharge, unless EPA specifically notifies the discharger that an individual permit application must be submitted.

Only NOI forms provided by EPA (or photocopies thereof) are valid. Applicants must be aware that by signing and dating the form they certify that they understand and are willing to comply with all terms and conditions of the NPDES permit for which they have applied, namely the Construction General Permit. These conditions include those found in Subpart 1.3 (Permit Eligibility) of the permit.

It is acceptable to fill in information that will be the same for every project (e.g., a company's name, address) and make copies of the partially completed form for future use; however, an original signature is required to be included on each form submitted to EPA. An electronic copy of the NOI form is available on EPA's NPDES website at: (www.epa.gov/npdes/stormwater/cgp).

EPA is presently in the process of developing an electronic NOI system that will allow you to complete and submit your NOI to EPA electronically. If EPA makes that, or other NOI options available, you may take advantage of those options to satisfy the NOI use requirements. Information on the availability of that system is found at www.epa.gov/npdes/stormwater/cgp.

Each entity considered an operator of large or small construction activity, must submit an NOI. The definition of "operator" and the existing regulatory definitions of "owner or operator" and "facility or activity" have been included in the permit.

EPA believes there exist situations where a utility company installing service lines meets the definition of operator and must get permit coverage, although most of the time a utility would be considered a "subcontractor" (i.e., non-permittee). If a utility company is constructing a project for itself (e.g., main transmission line, transformer station) it must obtain permit coverage. Otherwise, as a non-permittee working at construction site, EPA encourages utility companies (as it does any subcontractor) to abide by the site's SWPPP provisions and minimize its impacts on storm water controls.

2.1 Authorization to Discharge Date

This permit is considered to be issued on the date it is noticed in the *Federal Register* and will be effective for five years from that date, ending at midnight on the anniversary of publication. Operators are authorized to discharge storm water from construction activities under the terms and conditions of this permit after submission of a complete and accurate NOI to EPA. The specific date of your authorization, however, is dependent upon your date and mode of submission.

- A. The first 90 days following the effective date of the CGP is the period during which ongoing or new construction operators transition to coverage under the new permit. There will be a 7 day waiting period, commencing on the date of postmark of the mailed NOI form, after which discharges associated with construction activities can commence, unless otherwise notified as per Subpart 2.1.C. The 7-day waiting period provides EPA, FWS and NMFS an opportunity to evaluate NOIs, and possibly delay authorization, for potential permit eligibility concerns (see Part 1.3), as part of a commitment to increase oversight of dischargers.
- B. For NOIs submitted after the 90-day transition period, there will be a 7-day waiting period (see Subpart 2.1.A of this fact sheet), commencing on the date the NOI is posted in EPA's NOI database (signifying a complete NOI was received by EPA), unless otherwise notified as per Subpart 2.1.C. By this time, eNOI submittal will be available. At the end of the 7-day review period, the NOI database will indicate if authorization has been delayed.

Submitting an NOI via EPA's electronic filing system will be the easiest and quickest way to obtain permit coverage because the system will automatically process the information, disallow incomplete submissions, and flag certain entries as possibly incorrect. Shortly after transmission of an eNOI to EPA, the database can be accessed to verify receipt and posting of information. The 7-day NOI review period will typically begin the day a complete eNOI is transmitted. To submit eNOIs and access the NOI database, go to www.epa.gov/npdes/stormwater/cgp. When using eNOI submittal, EPA will not separately mail you a notification regarding permit status, except as per Subpart 2.1.C.

After the initial 90-day permit term, for NOIs that are mailed to EPA, the 7-day review period commences only after EPA manually inputs your complete and accurate NOI information into the NOI database. While EPA will attempt to post NOIs in the database as timely as possible, the Agency cannot provide a set turn-around time for doing so, due to the unpredictable nature of the mail and the varying volume of forms submitted. An incomplete NOI will require EPA to mail a notification of incompleteness and will cause further delay. As with previous permits, a letter will be sent to the operator acknowledging receipt of a complete NOI and the date of posting in the database. Seven days following the date the NOI was posted in the database, NOI status can

be viewed on-line (the preferred way). Authorization status can also be obtained from the EPA Storm Water Notice Processing Center via email (epanoi@ctgusa.com), or telephone (866-352-7755), but EPA cannot guarantee a timely reply due to potential volume of inquiries. In lieu of this time-consuming process, EPA recommends use of eNOI submittal and NOI database queries.

- C. During the 7-day NOI review period following either NOI submittal (for the initial 90 days of the permit), or NOI posting in the NOI database (for post 90 day submittals), EPA may notify the NOI submitter that additional action must be taken before discharge authorization is obtained, based on concerns regarding eligibility as described in Subpart 1.3. When the NOI database is operational, all notifications of delays will be posted on the website by the seventh day, and will be followed by a mailed notification. For non-eNOI submissions, EPA will attempt to contact the NOI submitter directly with information about delays as soon as possible (telephone, fax, email), in addition to the database posting, but it is the submitter's responsibility to ensure that authorization has been granted.

Actions to be taken depend on the nature of the eligibility concerns (e.g. water quality, impaired receiving waters, endangered species). Additional actions may include a request to review the SWPPP, endangered species documentation or other information; the need for consultation with FWS or NMFS; a requirement to make revisions to the SWPPP; or having to submit an application for an individual permit as per Subpart 4.2. For sake of expediency in obtaining coverage, any requests should be complied with as soon as possible. When so notified that additional actions must be taken, discharges are not authorized until notified of such by EPA.

2.2 Notice of Intent Contents

An NOI must be submitted by all operators seeking authorization for storm water discharges from a construction site under the CGP. Those required to obtain an individual storm water permit may not use an NOI, but must instead use the forms as described in Subpart 4.2 of the permit.

The NOI form requires the following information (instructions are on the NOI form):

- The applicable permit number for which coverage is being requested. This is the number from Appendix B of the CGP that correlates to the authorities of EPA to regulate discharges in the operator's State.
- The operator's, name, address, telephone number and U.S. Internal Revenue Service (IRS) Employer Identification Number (EIN). Generally, an EIN, also known as the taxpayer ID number, is required for all persons that have employees or operate a business as a corporation or partnership. More details are available from the IRS.
- The name (or other identifier), address (description of location if street address is unavailable), county or similar governmental subdivision, and the latitude/longitude of the construction site (e.g., "Jackson Acres Subdivision, 123 South St., Anyburg, Our County, NH" or "1 mile south of Anyburg, NH, on County Road No. 1; Anyburg, Our County, NH"). Help with finding latitudes and longitudes is provided in the instructions to the NOI form. For operators with multiple projects, purchase of a portable Global Positioning System (GPS) unit that provides read-outs of the latitude and longitude may be useful. GPS units designed for recreational use (e.g., boating, hiking) can cost less than \$100.
- Whether the site is located in Indian country, and, if so, the name of the Reservation where the project is located. For lands that are not part of a Reservation, the tribal affiliation is not required to be provided.
- Verification that the SWPPP has been prepared in advance of filing the NOI and the location of where the plan can be viewed.
- The name(s) of the water of the United States to which construction activities discharge. For discharges through a municipal separate storm sewer system (MS4), the NOI must include the name of the water to which the MS4 discharges.
- An indication whether the discharge is consistent with the assumptions and requirements of applicable EPA established or approved TMDLs (consistent with the discussion regarding eligibility provisions for Subpart 1.3.C.5).
- An estimate of project start date and completion date and an estimate of the number of acres (to the nearest quarter acre) of the site on which soil will be disturbed. Note that the project start and end dates need not be exact. EPA recognizes that many factors, often beyond the permittee's control, contribute to whether a project will actually start or end on the estimated dates. The end date should be when final

stabilization is expected to be attained. Acreage may be determined by dividing square footage by 43,560, as demonstrated in the following example:

Convert 100,000 ft² to acres:

- ▶ Divide 100,000 ft² by 43,560 square feet per acre:
- ▶ $100,000 \text{ ft}^2 \div 43,560 \text{ ft}^2/\text{acre} = 2.30 \text{ acres}$. Report 2.25 acres on the NOI Form.
- Whether any listed threatened or endangered species or designated critical habitat, described in more detail in Appendix C of the permit, are in proximity to the construction project and which of the listed criteria enables the operator to claim eligibility for permit coverage (see Appendix C for instructions).
- A signature block is provided following a certification statement that everything on the NOI form is correct. Also, the NOI must include the name and title of the authorized representative and date of signature. The NOI must be signed and certified in accordance with the signatory requirements of 40 CFR §122.22. A complete description of these signatory requirements is provided in Appendix G of the general permit.

2.3 Submission Deadlines

- A. Operators of new projects (i.e., construction activity commenced after the effective date of this permit) must submit the NOI form at least seven days prior to commencement of construction activities. For the first 90 days after the issuance date of this permit, NOIs must be submitted at least seven days prior to commencement of construction based on the postmark date. For NOIs submit after the first 90 days, coverage cannot commence until seven days after the NOI is posted on EPA's NOI processing website. In both instances, EPA may, including upon notice from FWS or NMFS, delay authorization simply by notifying the operator of such a delay. In these instances, authorization is not granted until the operator is re-notified by EPA of eligibility.

EPA modified the submission deadline for NOIs from two days in advance of commencement of construction activity to seven days prior to commencement of construction activity. The 7-day waiting period provides EPA, FWS and NMFS with the opportunity to scrutinize NOIs for potential permit eligibility concerns, as part of these Agencies' commitment to increase oversight of dischargers. Two days did not provide time to review these submissions. Operators are still responsible for submitting complete and accurate NOIs (including eligibility of permit coverage) and are not authorized if the NOI is incomplete or inaccurate. An informal review of existing state NPDES construction general permits found that a large number of states do have a delay established in the NOI review process. This leads EPA to believe that construction activities can, in fact, operate successfully under a regulatory review process that will delay permit coverage by a period of seven days or more.

During the 7-day NOI review period following either NOI submittal (for the initial 90 days of the permit), or NOI information posting in the NOI database (for the post 90-day submittals), EPA may notify an applicant that some additional action must be taken before discharge authorization is obtained, based on eligibility concerns. Actions to be taken depend on the nature of the concerns (e.g. water quality, impaired receiving waters, endangered species, historic property). Additional actions may include a request to review an applicant's SWPPP, endangered species documentation or other information; the need for individual consultation with FWS or NMFS; making revisions to the SWPPP; or having to submit an application for an individual permit as per Subpart 4.2. For sake of expediency in obtaining coverage, the applicant should comply with any request as soon as possible. When notified that authorization to discharge will be delayed, an applicant cannot discharge until given explicit notice by EPA that the delay has been lifted.

- B. EPA is allowing operators of construction projects that received authorization under one of the 1998 CGPs 90 days after the effective date of this permit to submit an NOI for coverage under the 2003 CGP. If the operator is eligible to submit an NOI (e.g., the construction activities are completed and the site is finally stabilized) within 90 days after the effective date of this permit, a new NOI is not required to be submitted provided that the NOI is submitted consistent with the requirements of the 1998 CGP. In addition, the 2003 CGP provides these existing large construction operators 90 days to update their SWPPPs as necessary to comply with the terms of the 2003 CGP. These operators are required to comply with the terms of the 1998 CGP during this 90 day period.
- C. EPA is requiring operators of construction projects that commenced operation prior to the effective date of this permit but that did not receive authorization to discharge under the 1998 CGP, to prepare and comply with an interim SWPPP consistent with the applicable requirements of the 1998 CGP. Operators of these ongoing projects are required to submit an NOI for coverage under the 2003 CGP no later than 90 days after the

effective date of this permit. In addition, the 2003 CGP requires these operators to update their interim SWPPP prior to the submission of the NOI such that the SWPPP is consistent with the 2003 CGP at the time of NOI submission. If the operator is eligible to submit a NOT (e.g., construction is finished and final stabilization has been achieved) prior to NOI submission, the interim SWPPP is not required to be updated.

The Agency anticipates that submitting NOIs via EPA's electronic filing system will be the easiest and quickest way to obtain permit coverage because the system will automatically process the information, disallow incomplete submissions, and may flag certain entries that could be incorrect. A short time after an eNOI is transmitted to EPA, applicants can access the database to see if their NOI was received and the information was properly posted. The 7-day NOI review period (explained in Subpart A above) will typically begin the day a complete NOI is transmitted. To submit eNOIs and access the NOI database, go to www.epa.gov/npdes/stormwater/cgp.

For those choosing to submit NOIs by mailing, the 7-day evaluation period commences after EPA receives a complete and accurate NOI form and the information is manually input into the NOI database. While EPA will strive to post an applicant's NOI information in the database as timely as possible, the Agency cannot provide a set turn-around time for doing so, owing to the vagaries of mailing and possible volume of forms submitted. An incomplete NOI may require EPA to mail a notification of incompleteness. Only after an applicant's complete NOI information set is input to the database can the 7-day review period commence. As with previous permits, a letter will be sent acknowledging receipt of a complete NOI, the date the NOI information was posted in the database, and the authorization tracking number. In lieu of this time-consuming process, EPA recommends applicants avail themselves of eNOI submittal.

In any of the above situations, permit coverage may be delayed past the 7-day waiting period upon notification as per Subpart 2.4C.

- D. If an NOI is submitted after construction activity has begun, the operator is authorized for discharges consistent with the authorization to discharge and submission deadlines detailed in Subparts 2.1 and 2.3 of the CGP but in no cases less than seven days after submission of a complete and accurate NOI to EPA. The Agency may seek enforcement action for any unpermitted discharges or permit non-compliance that occur between the time construction begins and discharge authorization.

2.4 Where to Submit

EPA operates a Storm Water Notice Processing Center that handles all NOIs and NOTs submitted as a requirement of this permit. Complete and accurate NOIs and NOTs must be sent to the following address:

Regular U.S. Mail Delivery

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Overnight/Express Mail Delivery

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

EPA believes with the advent of the electronic NOI (eNOI) system, expected to be available 90 days after effective date of this permit, mailing hard copies of NOI forms will be the least favored method to acquire permit coverage. With the eNOI system, all complete NOIs submitted will be automatically input into an NOI database which can be accessed by any interested party. Benefits of electronic NOI submittals include quicker processing of applicant information and the capability for missing or, in some cases, incorrect entries to be detected more quickly, thereby helping to prevent non-authorization or delays in authorization. To submit eNOIs and access the NOI database, go to www.epa.gov/npdes/stormwater/cgp.

3. Storm Water Pollution Prevention Plans (SWPPPs)

3.1 Storm Water Pollution Prevention Plan Framework

The SWPPP focuses on two major requirements: (1) Providing a site description that identifies sources of pollution to storm water discharges associated with industrial activity on site; and (2) identifying and implementing appropriate measures to reduce pollutants in storm water discharges to ensure compliance with the terms and conditions of this permit. All SWPPPs must be developed in accordance with sound engineering practices and must be developed specific to the site. Recognizing that much of the plan will likely be very similar from project to project, EPA recommends use of model plans or templates that can be easily adapted for individual projects to

minimize the burden of plan preparation. For coverage under this permit, the SWPPP must be prepared before commencement of construction and then updated as appropriate.

The permit also clarifies that once a definable area of the site has been finally stabilized, no further SWPPP requirements apply to that portion of the site as long as the SWPPP has been updated accordingly to identify that portion of the site as complete. You are required to implement the SWPPP during construction activity, that EPA defines as from commencement of construction activity until final stabilization. EPA defines both of these terms in Appendix A of the CGP.

3.2 Requirements for Different Types of Operators

The term “operator” may be defined as one with operational control over construction plans and specifications or one with control over the day-to-day activities of the site. Operators may also only have control over a portion of a larger project and several operators are then responsible for separate portions of the entire construction project.

A. Operators with Operational Control Over Construction Plans and Specifications.

If an operator falls within this category, he or she must ensure that the SWPPP indicates the areas of the project where operational control over project specifications, including the ability to make modifications to plans and specifications occur. The operator must ensure that all other permittees implementing portions of the SWPPP impacted by any changes made to the plan are notified of such modifications in a timely manner and ensure that the SWPPP contains the appropriate information indicating who has operational control.

B. Operators with Control Over Day-to-Day Activities.

If an operator is responsible for the day-to-day operational control of the activities at a project site necessary to ensure compliance with the SWPPP, he or she must ensure the SWPPP meets the minimum requirements of Part 3 of the permit. The operator must also identify those responsible for implementation of control measures required in the SWPPP, ensure the SWPPP indicates areas of the project where operational control of day-to-day activities are maintained, and identify the parties responsible for implementation of control measures identified in the plan.

C. Operators with Control Over a Portion of a Larger Project

If an operator is responsible for only a portion of a larger construction project he or she must maintain compliance with all applicable terms and conditions of this general permit for that portion of the project. This includes protection of endangered species and historic properties as well as implementation of BMPs and controls required by the SWPPP. Operators have the option of developing and implementing either a comprehensive SWPPP, that covers all operators at the construction site, or an individual SWPPP, covering only an individual operator's portion of the site (provided reference is made to the other operators of the site). Operators are encouraged to develop a comprehensive SWPPP to enhance cost sharing and coordination of BMPs. If operators choose to develop individual plans, cooperation between the permittees is encouraged to ensure storm water discharge controls are consistent between the sites. Regardless of development of an individual or comprehensive SWPPP, operators must ensure that individual activities do not negatively impact another operator's pollution controls.

3.3 Pollution Prevention Plan Contents: Site and Activity Description

- A. Identification of Operators. The SWPPP must identify all operators of the project site, and the areas of the site over which each operator has control. This information should identify clearly the boundaries of each operator's responsibility.
- B. Site Description. The SWPPP must be based on an accurate assessment of the potential for generating and discharging pollutants from the site. Hence, the permit requires a description of the site and intended construction activities in the SWPPP (to provide a better understanding of site runoff characteristics). At a minimum, the SWPPP must describe the nature of the construction activity, including:
 - The function of the project (e.g., low-density residential, shopping mall, highway, etc.);
 - The intended significant activities, presented sequentially, that disturb soil over major portions of the site (e.g., grubbing, excavation, grading);
 - Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities, including off-site borrow/fill areas. It may be preferable to separately describe portions of the site as they are disturbed at different stages of the construction process; and

- A general location map able to identify the location of the activity and the waters of the United States within one mile of the activity.
- C. **Legible Site Map.** The SWPPP must contain a legible site map indicating: (1) Anticipated drainage patterns and slopes after major grading activities; (2) areas of soil disturbance and areas that will not be disturbed; (3) locations of major structural and nonstructural controls identified in the plan; (4) locations of planned stabilization measures; (5) off-site locations of equipment storage, material storage, waste storage and borrow/fill areas; (6) locations of surface waters (including wetlands); and (7) locations of discharge points to surface waters; and (8) if applicable, locations where final stabilization has been accomplished and no further construction-phase permit requirements apply. Site maps should also include other major features and potential pollutant sources, such as locations of impervious structures and soil storage piles.
- D. **Other Industrial Activities.** The SWPPP must provide a description of any discharge associated with industrial activity other than construction (including storm water discharges from dedicated asphalt plants, concrete plants, etc.) and the location of that activity on the construction site.

3.4 Pollution Prevention Plan Contents: Controls to Reduce Pollutants

- A. The SWPPP must describe the practices that will be used to reduce the pollutants in storm water discharges from the site and assure compliance with the terms and conditions of the permit.

The SWPPP must describe the intended sequence of major storm water control activities and when, in relation to the construction process, they will be implemented. EPA recognizes that many factors can impact the actual construction schedule, so the permittee need not include specific dates (e.g. plan could say install silt fence for area “A” before rough grading, rather than put up silt fences on August 15). Good site planning and preservation of mature vegetation are imperative for controlling pollution in storm water discharges both during and after construction activities. Properly staging major earth disturbing activities can also dramatically decrease the costs of sediment and erosion controls.

- B. **Stabilization practices are critical to preventing erosion.** The SWPPP must include a description of interim and permanent stabilization practices, including a schedule of their implementation. The permittee should ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized as quickly as practicable. Stabilization practices include seeding of temporary vegetation, seeding of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, preservation of trees and mature vegetative buffer strips, and other appropriate measures. Temporary stabilization can be the single most important factor in reducing erosion at construction sites.

Stabilization also involves preserving and protecting selected trees on the site prior to development. Mature trees have extensive canopy and root systems, which help to hold soil in place. Shade trees also keep soil from drying rapidly and becoming susceptible to erosion. Measures taken to protect trees can vary significantly, from simple ones such as installing tree armoring and fencing around the drip line, to more complex measures such as building retaining walls and tree wells.

- C. The SWPPP requires that specific construction dates be documented and maintained as a way for the construction operator as well as EPA to determine applicability and implementation status of SWPPP requirements. Important dates include when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.
- D. The SWPPP must include a description of structures built to divert flows from exposed soils, and store or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Structural controls may be necessary because vegetative controls cannot be employed where soil is continually disturbed and because of the lag time before vegetation becomes effective. Options for such controls include silt fences, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, reinforced soil retaining systems, gabions and temporary or permanent sediment basins. Placement of structural controls in flood plains should be avoided.
- E. The SWPPP must include a description of any post-construction storm water management measures. This permit, however, addresses only the installation of these measures; not the ongoing operation and maintenance of them after cessation of construction activities and final stabilization. Permittees are responsible only for the installation and maintenance of storm water management measures until final stabilization of the site. When selecting storm water management measures, the operator should consider the amount of required maintenance and whether there will be adequate resources for maintaining them over the longer term.

Some discharges of pollutants from post-construction storm water management structures may need to be authorized under an NPDES permit (e.g., the construction project was an industrial facility in a sector covered by the NPDES multi-sector general permit). The owner/operator of such discharges may ask EPA if this requirement applies to them.

Storm water management measures installed during the construction process can control the volume and velocity of runoff, as well as reduce the quantity of pollutants discharged post-construction. Reductions in peak discharge velocity and volume can reduce pollutant loads as well as diminish physical impacts such as stream bank erosion and stream bed scour. Storm water management measures that mitigate changes to pre-development runoff characteristics assist in protecting and maintaining the physical and biological characteristics of receiving streams and wetlands.

Structural measures should be installed on upland areas to the extent feasible. The installation of such measures may be subject to section 404 of the CWA if they will be located in wetlands or other waters of the United States.

Options for storm water management measures that should be evaluated when you develop plans include:

- On-site infiltration of precipitation;
- Flow attenuation by use of open vegetated swales and natural depressions;
- Storm water retention/detention structures (including wet ponds); and
- Sequential systems using multiple methods.

The SWPPP should include an explanation of the technical basis used to select control measures, where flows exceed pre-development levels. This explanation should address how a number of factors were evaluated, including the pollutant removal efficiencies of the measures, costs of the measures, site-specific factors that will affect the utility of the measures, whether the measure is economically achievable at a particular site and any other relevant factors.

Although not a limitation or performance standard in the permit, EPA anticipates that storm water management measures at many sites will be able to achieve removal of at least 80 percent of total suspended solids. A number of storm water management measures can be used to achieve this level of control, including:

- Properly designed and installed wet ponds;
- Infiltration trenches and basins;
- Sand filter systems;
- Manmade storm water wetlands; and
- Multiple pond systems.

The pollutant removal efficiencies of various storm water management measures can be estimated from a number of sources, including “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,” U.S. EPA, 1992, and “A Current Assessment of Urban Best Management Practices” prepared for U.S. EPA by Metropolitan Washington Council of Governments, March 1992. Additional information on BMPs is available from EPA in an on-line document entitled, “National Menu of Best Management Practices for Storm Water Phase II” and found on the Internet at www.epa.gov/npdes/menuofbmps/menu.htm and from an on-line database entitled, “National Stormwater Best Management Practices (BMP) Database” sponsored by EPA and the American Society of Civil Engineers (ASCE) and available on the Internet at www.bmpdatabase.org.

In selecting storm water management measures, the permittee should consider the impacts of each method on other water resources, such as ground water. Although SWPPPs focus primarily on storm water management of post-construction flow, EPA encourages sites to avoid creating groundwater pollution problems. For example, if the water table is high in an area or soils are especially porous, an infiltration pond may contaminate the groundwater unless special preventive measures are taken. In fact, certain storm water control practices may meet EPA’s definition of underground injection, triggering responsibilities under the Safe Drinking Water Act, as codified in 40 CFR Parts 144-146. Storm water controls, such as wet ponds, should also be designed to have minimal safety risks, especially to children.

- F. Other controls to be addressed in SWPPPs for construction activities are for compliance with the requirement that solid materials, including building material wastes, not be discharged at the site except as authorized by a section 404 permit.
- G. The SWPPP must describe measures to minimize vehicular tracking of soil off-site to paved surfaces and the generation of dust. Dust and dirt-tracking can be minimized by measures such as providing gravel or paving at entrance/ exit drive paths, parking areas and unpaved transit ways on the site carrying significant amounts of traffic (for example, more than 25 vehicles per day); providing entrance wash racks or stations for trucks; and performing street sweeping.
- H. The SWPPP must also contain a description of practices to reduce pollutants from construction-related materials which are stored on site, including a description of said construction materials (with updates as appropriate). The plan should include a description of pollutant sources from areas untouched by construction and a description of controls and measures which will be implemented in those areas.
- I. The SWPPP must also contain a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

3.5 Non-Storm Water Discharge Management

The SWPPP must identify appropriate pollution prevention measures for each of the eligible non-storm water components of the discharge covered by this permit when combined with storm water discharges associated with construction activity. The eligible non-storm water discharges are discussed in section V.1.3.B. of this Fact Sheet.

3.6 Maintenance of Controls

Erosion and sediment controls can become ineffective if they are damaged or not properly maintained. The SWPPP requires all erosion and sediment control measures to be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed before the next storm event whenever practicable. If maintenance before the next storm event is impracticable, maintenance must be completed as soon as practicable. The permit also requires that the operator remove sediment from sediment traps or sedimentation ponds when design capacity of that device has been reduced by 50 percent or more.

3.7 Documentation of Permit Eligibility Related to Endangered Species

An operator's SWPPP must contain documentation of permit eligibility regarding the protection of endangered species and critical habitat. Documentation must include:

- information on whether federally-listed or endangered or threatened species or critical habitat are located near the site;
- whether such species or habitat may be adversely affected by the storm water discharges or related activities coming from the site;
- the results of the screening determination from Appendix C of the permit;
- confirmation of delivery of NOI to EPA or to EPA's electronic NOI system. This may include an overnight, express or registered mail receipt acknowledgment, or electronic acknowledgment from EPA's electronic NOI system;
- any correspondence for any stage of project planning between the operator and FWS, EPA, or NMFS regarding listed species and critical habitat, including any notification that delays authorization to discharge; and
- a description of any measures necessary to protect endangered or threatened species or critical habitat. Failure to implement these measures will result in ineligibility of coverage under this permit.

3.8 Copy of Permit Requirements

Copies of the CGP, the signed and certified NOI submitted to EPA, and a copy of the letter from EPA's Storm Water Notice Processing Center indicating that a complete NOI has been received must be included in the SWPPP. This condition in the permit is intended to stress the importance of these documents for operators to understanding permit responsibilities.

3.9 Applicable State, Tribal, or Local Programs

Many states, tribes, municipalities and counties have developed sediment and erosion control requirements for construction activities. A significant number have also developed storm water management requirements. The CGP requires that SWPPPs for sites that discharge storm water associated with construction activities be consistent with procedures and requirements of state/tribal and local sediment and erosion control plans and storm water management plans. The construction site's SWPPP may incorporate portions of a state, tribe, or local program's pollution prevention plan if these requirements are at least as strict as the CGP. If a construction site is located in an area covered by such a local program, then compliance with various aspects of the local program would constitute compliance with these aspects of the CGP.

The ability to reference other programs in the SWPPP is intended to reduce confusion between overlapping and similar requirements, while still providing for both local and national regulatory coverage of the construction site.

3.10 Inspections

- A. Permittees must inspect designated areas on the site regularly. For purposes of this part, EPA defines "regularly" to mean either (1) at least once every 7 calendar days or (2) at least once every 14 calendar days and within 24 hours after any storm event of 0.5 inches or greater. EPA also recommends that permittees perform a "walk through" inspection of the construction site before anticipated storm events (or series of events such as intermittent showers over a period of days) that could potentially yield a significant amount of runoff. Depending on local rainfall patterns, it is possible that either more or fewer inspections would be required under the option described in Subpart 3.10.A.1 as compared to the option provided in Subpart 3.10.A.2. In exchange for committing to more frequent inspections, the operator could plan and budget for one inspection per week and would not have to deal with uncertainties associated with an unknown number of additional inspections triggered by rain events and the need to have inspectors on standby. This flexibility would be especially valuable for unmanned locations. Proper operation and maintenance of storm water BMPs is independently required by Subpart 3.6 of the permit, so either inspection schedule is expected to provide adequate environmental protection.
- B. For sites that have undergone stabilization (temporary or final) or experience seasonal aridity (average annual rainfall of 0 to 10 inches) or semi-aridity (annual rainfall of 10 to 20 inches), inspections must be conducted at least once a month. Where construction activity has been halted due to frozen conditions, inspections are not required until one month before thawing is expected (i.e., snowmelt runoff would commence).
- C. In areas of the country where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month), and land disturbance activities are suspended during these times, Subpart 3.10.A and 3.10.B requirements are waived. This waiver is granted until one month before thawing conditions are expected to result in a storm water discharge from the site. The beginning and ending dates of the waiver period must be documented in the SWPPP.
- D. Inspections must be performed by qualified personnel; either the operator's own personnel or consultants hired to perform the inspections. The inspectors must be knowledgeable and possess the skills to assess conditions at the construction site that could impact storm water quality and assess the effectiveness of sedimentation and erosion control measure chosen to control the quality of the sites storm water discharges. EPA is not specifying any inspector license or certification requirements at this time.
- E. Visual inspections must comprise, at a minimum:
 - Disturbed areas;
 - Areas used for storage of materials exposed to precipitation;
 - Sediment and erosion control measures; and
 - Locations where vehicles enter or exit the site.

Where discharge points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing impacts to waters of the U.S. This can be done by inspecting the waters for evidence of erosion or sediment introduction. If discharge points are inaccessible, the permit requires that nearby downstream locations be inspected, if practicable.

Inspectors must determine whether erosion control measures are effective in preventing impacts to the receiving water and look for evidence of or the potential for pollutants entering the drainage system.

- F. For linear construction activities (e.g., utility line installation, pipeline construction), representative inspections are acceptable and allow for inspection of the project 0.25 miles above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the construction site. This is to limit additional disturbance to soils that may increase the erosion potential resulting from vehicles compromising stabilized areas.
- G. Once an inspection has been performed, a report must be retained with the SWPPP for up to three years after the permit expires or is terminated. The report should include:
- The inspection date,
 - Name, title, and qualifications of personnel conducting the inspection,
 - Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection performed) including a best estimate of the beginning of each storm event, the duration of each storm event, and the approximate amount of rainfall for each storm event (in inches),
 - Weather information and a description of any discharges occurring at the time of the inspection,
 - Location(s) of discharges of sediment or other pollutants from the site;
 - Location(s) of BMPs that need to be maintained;
 - Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and
 - Location(s) where additional BMPs are needed that did not exist at the time of the inspection.

The report must also identify any actions taken in accordance with Part 3 SWPPP requirements and must identify any incidents of non-compliance with permit conditions. If no incidents of non-compliance were found, the report must contain a certification that the site is in compliance with the SWPPP and this permit. Finally, the report must be signed in accordance with the signatory requirements in section 11 of Appendix G of the CGP.

3.11 Maintaining an Updated Plan

Storm water pollution prevention plans must be revised whenever a change in design, construction method, operation, maintenance procedure, etc., may cause a significant effect on the discharge of pollutants to surface waters or municipal separate storm sewer systems.

The plan must also be amended if inspections or investigations by site staff, or by local, state, tribal, or federal officials determine that the discharges are ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site.

Also, if an inspection reveals inadequacies, the site description and pollution prevention measures identified in the SWPPP must be revised. All necessary modifications to the SWPPP must be made within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed consistent with Subpart 3.6.B of the permit. Specifically, these changes must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, this situation should be documented in the SWPPP and the changes must be implemented as soon as practicable.

3.12 Signature, Plan Review, and Making Plans Available

- A. A copy of the SWPPP must be kept at the construction site from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over the plan's implementation must keep a copy of the plan readily available whenever they are on site (a central location accessible by all on-site operators is sufficient). If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site. A copy of the SWPPP must be readily available to authorized inspectors during normal business hours.
- B. A notice about the permit and SWPPP must be posted conspicuously near the main entrance of the site. If display near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. For linear projects, the notice must be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road). The permit notice must include the following information:

- A copy of the completed Notice of Intent as submitted to EPA;
- The current location of the SWPPP (if different than that submitted to EPA in the NOI)
- The current contact person and telephone number for scheduling times to view the SWPPP (if different than that submitted to EPA in the NOI).

The permit does not require that the general public have access to the construction site nor does it require that copies of the plan be available or mailed to members of the public. However, EPA strongly encourages permittees to provide public access to SWPPPs at reasonable hours. Upon request, EPA intends to assist members of the public in obtaining access to permitting information, including SWPPPs. EPA believes this approach will create a balance between the public's need for information on projects potentially impacting their water bodies and the site operator's need for safe and unimpeded work conditions.

- C. Permittees must make SWPPPs available, upon request, to EPA, state, tribal or local agencies approving sediment and erosion plans, grading plans or storm water management plans; local government officials; the operator of a MS4 receiving discharges from the site; and representatives of the FWS or the NMFS. Also, the operator must make SWPPPs available to EPA or its authorized representative for review and copying during any on-site inspection.
- D. The SWPPP must be signed and certified in accordance with the signatory requirements in the Standard Permit Conditions section of the permit (Appendix G).

3.13 Management Practices

- A. Control measures must be properly selected and installed in accordance with sound engineering practices and relevant manufacturers specifications.
- B. Off-site accumulations of sediment must be regularly removed to minimize impacts.
- C. Litter, construction debris, and construction chemicals must be prevented from entering a receiving water.
- D. It is imperative that stabilization be employed as soon as practicable in critical areas. The CGP requires that, except in three situations, stabilization measures must be instituted on disturbed areas as soon as practicable, but no more than 14 days after construction activity has temporarily or permanently ceased on any portion of the site. The three exceptions to this requirement are the following:
 - When construction activities will resume on a portion of the site within 14 days from suspension of previous construction activities;
 - When the initiation of stabilization measures is precluded by snow cover or frozen ground, in which case they must be initiated as soon as practicable; and
 - In arid areas (areas with an average annual rainfall of 0 to 10 inches), semi-arid areas (10 to 20 inches) and areas experiencing droughts; where the initiation of perennial vegetative stabilization measures is precluded by seasonal arid conditions. In this instance, stabilization measures must be initiated as soon as practicable.
- E. A combination of sediment and erosion control measures should be used to achieve maximum pollutant removal.

For sites with more than 10 disturbed acres at a time, all of which are served by a common drainage location, a sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures (such as suitably-sized dry wells or infiltration structures), must be provided where practicable until final stabilization of the site has been accomplished. In lieu of the default 3,600 cubic feet/acre, the permittee can calculate the basin size based on the expected runoff volume from the local two-year, 24-hour storm event and local runoff coefficient. Flows from off-site or on-site areas that are undisturbed or have undergone final stabilization, may be diverted around both the sediment basin and the disturbed area. These diverted flows can be ignored when designing the sediment basin.

For the drainage locations that serve more than 10 disturbed acres at a time and where a sediment basin designed according to the above guidelines is not feasible, smaller sediment basins or traps should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all down-slope and appropriate mid-slope boundaries of the construction area. Diversion structures should be used on upland boundaries of disturbed areas to prevent run-on from impacting disturbed areas. EPA does not intend to imply that silt fences or vegetative buffer strips on down-slope boundaries are the only BMPs that need to

be used to protect water quality. EPA encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

For drainage locations serving 10 or less acres, smaller sediment basins or sediment traps should be used and, at a minimum, silt fences or equivalent sediment controls are required for all down slope and appropriate mid-slope boundaries of the construction area. Alternatively, the permittee may install a sediment basin providing storage for 3,600 cubic feet (or the alternative calculated volume) of storage per acre drained. Diversion structures should be installed on upland boundaries of disturbed areas to prevent run-on. EPA does not intend to imply that silt fences or vegetative buffer strips on down-slope boundaries are the only BMPs that need to be used to protect water quality. EPA encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

- F. Land development can significantly increase storm water runoff volume and peak velocity if appropriate storm water management measures are not implemented. In addition, post-development storm water discharges will typically contain higher levels of pollutants, including total suspended solids (TSS), heavy metals, nutrients and high oxygen-demand components.

The evaluation of whether the pollutant loadings and the hydrologic conditions (the volume of discharge) of flows exceed pre-development levels can be based on hydrologic models that consider conditions such as the natural vegetation endemic to the area.

Increased discharge velocities can greatly accelerate erosion near the outlet of structural measures. To mitigate these effects, velocity dissipation devices should be placed at discharge points and along the length of a runoff conveyance, as necessary, to provide a non-erosive flow. Velocity dissipation devices help protect a water body's natural, pre-construction physical and biological uses and characteristics (e.g., hydrologic conditions such as the hydro period and hydrodynamics).

3.14 Documentation of Permit Eligibility Related to Total Maximum Daily Loads

Subpart 1.3.C.5 of the CGP requires that operators determine if any discharges from the site are consistent with the assumptions and requirements of applicable EPA established or approved TMDLs for the receiving water into which they discharge. To make such a determination, operators can access EPA's NPDES website at www.epa.gov/npdes/stormwater/cgp or contact the state environmental agency directly. Subpart 3.14 of the permit requires documentation of this determination.

If EPA has approved or established a TMDL for the waterbody into which you discharge, you must document if the TMDL requires actions on your part, over and above any requirements of the CGP, necessary to be consistent with the assumptions and requirements of such TMDL. In certain instances, the TMDL may specifically identify each discharger contributing (or that will be contributing) pollutants to the receiving stream and the controls that are necessary for each discharger to meet the established waste load allocation. More likely for construction activities, the TMDL will identify a category of dischargers (e.g., construction activity or new development) and will identify the types of controls necessary to meet the cumulative waste load allocation for the group of dischargers. If the TMDL specifically identifies measures or controls, the operator must incorporate these in to its SWPPP. If specific measures or controls are not required in the TMDL, the operator should document this in the SwPPP. Operators should access EPA's website at www.epa.gov/npdes/stormwater/cgp to find CGP-specific TMDL information for all states and EPA regions covered by the CGP. This approach should identify any BMPs and/or other controls that ensure those discharges will be consistent with the provisions of the EPA approved or established TMDL. The operator must document the rationale for the selected approach.

4. Special Conditions, Management Practices and Other Non-numeric Limitations

4.1 Continuation of the Expired General Permit

The permit specifies procedures for continued coverage under a general permit if the permit expires prior to a replacement permit being issued. In short, the expired permit would remain in full force and effect in accordance with the Administrative Procedures Act. Any permittee granted coverage prior to the permit's expiration date will automatically remain covered by the continued permit until the earliest of:

- The permit being reissued or replaced;
- The permittee terminating coverage by submitting a Notice of Termination;
- Issuance of an individual permit for the permittee's discharges; or

- A formal decision by EPA not to reissue the general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

However, should the permit expire prior to a replacement permit being issued, the existing permit will only cover those operators that submitted a complete and accurate NOI and met all the eligibility requirements prior to the expiration date of the permit. New construction projects requiring permit coverage after the expiration date of this permit are not eligible for coverage until a replacement permit is issued.

4.2 Requiring an Individual Permit or an Alternative General Permit

Based upon a number of different situations (e.g., applicable numeric effluent limitations resulting from a TMDL, or a determination that the operator has the potential to cause or contribute to a water quality standard excursion), EPA may determine that coverage under an individual permit is necessary. If a permittee is currently discharging under this general permit and EPA determines that individual coverage is required, written notification of this required change in permit coverage, including reasoning for this decision, an application form, and a deadline for filing the application, will be provided to the permittee by EPA.

Additionally, any permittee may apply for an individual permit rather than apply for coverage under this general permit. An individual application must be submitted for coverage under such a permit with reasoning supporting the request. If such reasoning is considered adequate by EPA, the request will be granted and an individual permit issued. If an individual permit or alternative NPDES permit is issued to the permittee currently covered under this general permit, coverage under the general permit is terminated on the effective date of the new permit. Alternatively, if a permittee, currently covered under the general permit, seeks coverage under an individual or alternative NPDES permit and is denied, coverage under the general permit is terminated on the date of such denial, unless otherwise specified by EPA.

4.3 Releases in Excess of Reportable Quantities

The construction general permit requires the operator to prevent the discharge of hazardous substances or oil from a site in accordance with the SWPPP. Furthermore, if a permitted discharge contains a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 CFR 110, 40 CFR 117, or 40 CFR 302, during a 24-hour period, the National Response Center (NRC) must be notified (dial 800-424-8802 or 202-426-2675 in the Washington, DC area). Also, within 14 calendar days of knowledge of the release, the SWPPP must be modified to include the date and description of the release, the circumstances leading to the release, responses to be employed for such releases, and measures to prevent the reoccurrence of such releases. This approach is necessary because of statutory requirements that make a clear distinction between hazardous substances typically found in storm water discharges and spilled hazardous substances that are not (See 40 CFR §117.12(d)(2)(i)).

4.4 Spills

Discharge of a hazardous substance or oil caused by a spill (e.g., a spill of oil into a separate storm sewer) are not authorized by this permit. The construction site must have the capacity to control, contain, and remove such spills if they are to occur. Spills in excess of reportable quantities, as described in Subpart 4.3, must still be reported as required under 40 CFR 110. Also Section 311 of the CWA and certain provisions of Sections 301 and 402 of the CWA are also applicable.

4.5 Attainment of Water Quality Standards After Authorization

NPDES regulations at 40 CFR §122.44(d) state that permits must contain conditions to achieve water quality standards. When EPA determines a discharge will cause or contribute to an excursion above WQS, including failure to protect and maintain existing designated uses of receiving waters, EPA will require the operator to take one of three actions:

- Develop a supplemental BMP action plan describing SWPPP modifications to respond to the identified water quality concerns;
- Submit to EPA valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining WQS; or
- Cease discharges from construction activity and apply for an individual permit according to Subpart 4.2 of the permit.

If a supplemental BMP action plan is required, EPA expects the operator to vigilantly and in-good-faith follow and document the process for BMP selection, installation, implementation and maintenance, and cooperate to eliminate the identified problem within a time frame stipulated by EPA.

EPA does not typically review information and data about specific discharges prior to authorization under the CGP. Instead, a general permittee determines whether its discharges are eligible for authorization under the general permit and, if so, certifies to that determination and develops a SWPPP according to requirements in the general permit. The permit language is included to ensure that those seeking coverage under this general permit select, install, implement, and maintain BMPs at their construction site that will be adequate and sufficient to meet water quality standards for all pollutants of concern. Based on EPA's 1996 *Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits (EPA 833-D-96-001)*, EPA has determined that BMPs, when properly selected, installed, implemented, and maintained do provide effluent quality that can meet WQS. However, because proper selection, installation, implementation, and maintenance are so critical to the success of BMP effectiveness, simply "installing BMPs" at a construction site will often not provide adequate water quality protection. Therefore the CGP requires operators to select, install, implement, and maintain BMPs that minimize pollutants in the discharge. Unless notified otherwise by EPA, compliance with this requirement will be assumed to be as stringent as necessary to ensure that discharges do not cause or contribute to an excursion above any applicable water quality standard.

5. Termination of Coverage

Permittees must submit a completed Notice of Termination (NOT) that is signed and certified according to Appendix G, Section 11 of the permit when one or more of the conditions contained in Subpart 5.1 of the permit have been met. NOTs must be submitted using the form provided by EPA (found in Appendix F of the permit), or a photocopy thereof, and sent to the address specified in the CGP. NOTs provide EPA with a useful mechanism to track the status of projects which are actively covered by the permit.

The NOT includes:

- Your NPDES permit tracking number for the storm water discharge;
- Your basis for submission of the NOT, including: final stabilization has been achieved on all portions of the site for which you are responsible; another operator/permittee has assumed control over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or, for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner;
- Your name, address, telephone number and U.S. Internal Revenue Service (IRS) Employer Identification Number (EIN);
- The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted; and
- A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11 and the name and title of that authorized representative.

The NPDES permit tracking number is not the same number that was reported on the NOI form. The NOI contains the NPDES permit number as identified in the CGP (e.g., NHR100000) while the NPDES permit tracking number is that number provided by the EPA Storm Water Notice Processing Center acknowledging receipt of a complete NOI. The permit tracking numbers are assigned sequentially as NOIs are received by the EPA Storm Water Notice Processing Center (e.g., NHR1000001, NHR1000002, etc).

The NOI also requests that the operator provide a fax number and an E-mail address. While these two fields are not required to be completed, EPA anticipates that this information provides the most efficient means for corresponding with permittees. Finally, EPA is in the process of developing an electronic NOT system that will allow you to complete and submit your NOT to EPA electronically. If EPA makes that, or other NOT options available, you may take advantage of those options to satisfy the NOT use requirements. Information on the availability of that system is found at www.epa.gov/npdes/stormwater/cgp.

The NOT must be filed within 30 days after cessation of construction activities and final stabilization of the permittee's portion of the site (or temporary stabilization for residential construction where a homeowner is assuming control of a property). You must submit an NOT within 30 days after another operator assumes your liabilities. That new operator must submit an NOI for coverage consistent with Subpart 2.2.D. If you submit and are covered by a low erosion potential or TMDL waiver, continued compliance with the permit is not necessary nor is submittal of an NOT.

You may face enforcement action if an NOT is submitted without meeting one of the requirements in Subpart 5.1 of the permit unless there has been authorization under an alternative permit or a waiver for coverage under this permit has been approved.

The NOT must be submitted to the address listed in Subpart 5.3 of the permit.

6. Retention of Records

The permit requires that all records and reports required by the CGP be retained, including SWPPPs and information used to complete the NOI, for at least three years from the termination of coverage or expiration of the permit. This period may be extended by request of EPA.

7. Re-opener Clause

This permit contains a re-opener clause allowing the permit to be re-opened and modified during the term of the permit consistent with the Federal regulations at 40 CFR §122.62, §122.63, §122.64, and §124.5. Generally, this would be triggered by a water quality concern, a change in NPDES statutes, or to incorporate new procedures or requirements developed by the EPA regarding such things as endangered and threatened species and critical habitat protection (e.g., based on consultation with FWS or NMFS) or historic preservation requirements to provide for additional consideration of effects to properties either listed or eligible for listing in the National Register of Historic Places. Indication that a permittee is contributing to a water quality concern or generally not fulfilling his or her obligations under this permit, may result in a review of the permit and requirement to obtain an individual permit or alternative general permit, or have the limitations and/or requirements under this permit be modified.

8. Standard Permit Conditions

The Federal regulations require all NPDES permits to contain the standard conditions specified at 40 CFR §122.41. This section of the permit references those conditions in Appendix G of the CGP.

9. Permit Conditions Applicable to Specific States, Indian Country or Territories

Section 401 of the CWA (See also 40 CFR §122.44(d)(3)) and §124.53(a)) provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters shall be granted until the State/Tribe in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. The section 401 certification process has been completed for this permit. Similarly, the Coastal Zone Management Act (CZMA) (See 40 CFR §122.49(d)) requires that all Federal licensing and permitting actions be reviewed for consistency with each approved State coastal zone management plan. This permit also includes the results of that effort.

State Coastal Zone Management Act (CZMA) certification was not received from Massachusetts in time for that state to be included in this permit. As such, large construction activities in Massachusetts covered under the 1998 CGP will continue to be covered under that permit. EPA will reissue the CGP for Massachusetts for large and small construction activities at a later date, and will include any state-specific modifications or additions as part of the State's CZMA certification process.

Permit conditions that apply only to construction projects located in a specific state, Indian country or other area are in Part 9 of the permit. These conditions are modifications or additions to analogous conditions in Parts 1 through 8 of the CGP, and reflect additional requirements arising from the state section 401 or CZMA certification processes.

VI. Appendices

1. Definitions and Acronyms

The permit contains definitions of statutory, regulatory and other terms important for understanding the permit and its requirements. Several definitions were added to this permit that were not included in the 1998 permit. In addition, several terms that were defined in the body or one of the appendices of the 1998 permit were moved to the definition section. New terms defined in this permit include: eligible, federal facility, Indian country, large construction activity, municipal separate storm sewer system, new project, ongoing project, project area, receiving water, site, small construction activity, storm water discharge-related activity, and total maximum daily load. Definitions of these terms were added for clarity of permit conditions. The permit also contains a list of acronyms found in the permit which aids in the understanding of the permit and its requirements.

2. Small Construction Waivers and Instructions

Regulations for Phase II of the NPDES Storm Water Program were published on December 8, 1999 (64 FR 68722). Phase II was in response to the Congressional mandate at Clean Water Act § 402(p)(6) that the Agency "...shall issue regulations...which designate storm water discharges...to be regulated to protect water quality and ...establish a comprehensive program to regulate such designated sources." Under Phase II, EPA designated small construction projects disturbing at least one but less than five acres, but by providing for two types of waivers acknowledged that not every construction project in the 1-5 acre range would pose a potential threat to water quality⁴.

EPA adopted two types of waivers within the definition of small construction at 40 CFR §122.26(b)(15). The Rainfall-Erosivity Waiver at 40 CFR §122.26(b)(15)(i)(A) is based on the "R" factor from the Revised Universal Soil Loss Equation (RUSLE) and applies to projects where (and when) negligible rainfall/runoff-erosivity is expected. The Water Quality Waivers at 40 CFR §122.26(b)(15)(i)(B) are essentially based on an analysis that storm water discharges from small construction activities would not be expected to cause or contribute to exceedances of WQS. The water quality waivers anticipated that the analysis would demonstrate that storm water controls for small construction were not needed based on 1) a Total Maximum Daily Load for impaired waters or 2) for non-impaired waters that do not require a TMDL, an equivalent analysis that either determined pollutant load allocations for small construction or determined that such load allocations were not necessary.

While the criteria for the Rainfall-Erosivity Waiver were built into the definition of "storm water discharge associated with small construction activity" itself, only the broad outline of the Water Quality Waivers was included in the rule. The details of the Water Quality Waivers were expected to be included in a water quality analysis that would take place independently. Information on use of the waivers is presented in Appendix D of the CGP.

3. Standard Permit Conditions

Duty To Comply

The operator must comply with all conditions of this permit. An operator not fulfilling his or her obligations, as agreed upon by signing the NOI, is considered in violation of the Clean Water Act and is grounds for injunctive relief, substantial monetary penalties, incarceration, changes or terminations to the permit, or denial of permit renewal.

Duty to Reapply

The operator, after expiration of the permit, must reapply for and obtain a new permit to continue activities. For general permit coverage, this requires the operator to comply with the terms of the reissued permit regarding follow-on permit coverage.

Need to Halt or Reduce Activity Not a Defense

The operator may not use as a defense for an enforcement action the reasoning that compliance could only be achieved by halting or reducing the permitted activity.

⁴For more background on designation of small construction activity and available waivers, see discussion on "Discharges Associated with Small Construction Activity" starting on page 68771 of the December 8, 1999, Federal Register (64 FR 68771)

Duty to Mitigate

The operator must take all reasonable steps to prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

Proper Operation and Maintenance

The operator must properly operate and maintain all equipment and treatment systems used for compliance with the terms of the permit. This includes sediment and erosion controls installed at the site used to achieve compliance with the terms of the permit and the SWPPP. The operator must provide appropriate laboratory controls and quality assurance procedures as necessary. Backup systems are required when needed to ensure compliance.

Permit Actions

The permit may be modified, revoked and reissued, or terminated for cause. Filing of a request for a permit modification, revocation, reissuance, termination, or a notification of planned changes or anticipated noncompliance does not halt any permit condition.

Property Rights

The operator does not convey any property rights or privileges through issuance of this permit or coverage of activity under this permit. Injury to private property or invasion of personal rights are also not authorized under this permit nor any infringement of Federal, State, or local laws or regulations.

Duty to Provide Information

The operator must transmit any information needed to determine compliance with the permit or to modify the permit.

Inspection and Entry

The operator must, upon presentation of valid credentials by EPA or its representative, allow entry into the premises where the regulated activity and/or records are present. EPA must have access to view and to be able to make copies of any required records, inspect facilities, practices, operations, and equipment, and sample or monitor at reasonable times.

Monitoring and Records

Samples must be representative of the monitored activity. Records must be retained for 3 years subject to extension by EPA. Monitoring records must identify the sampling dates and personnel, the sample location and time, the analytical techniques used, and corresponding results. Wastewater and sludge measurements must be conducted in accordance with 40 CFR Parts 136 or 503 or other specified procedures. Falsification of results is a violation.

Signatory Requirements

Applications, reports, NOIs, NOTs, or other information submitted to EPA must be signed and certified by a responsible officer, a general partner or proprietor of a partnership, or a principal executive officer or ranking elected official for a municipality, state, federal, or other public agency. Knowingly making false statement, representations, or certifications is subject to penalties. Other than for applications and NOIs, these reports may be signed by a duly authorized representative. A person is considered a duly authorized representative only if the authorization is made in writing by such person and submitted to EPA. A duly authorized representative may be either a named individual or any individual occupying a named position. The duly authorized representative is not the same as an operator, but the legally bound representative of the operator.

Reporting Requirements

- Planned changes. Notice must be given to EPA as soon as possible of any planned physical alterations and/or additions to the site. This notice is required if the site changes to meet the criteria for a new source or the nature and concentration of pollutants are affected.
- Anticipated noncompliance. The operator must give advance notice of any conditions that may result in noncompliance.
- Permit Transfers. The permit is not transferable except after written notice to EPA. EPA may require modification or revocation and reissuance as necessary.

- Monitoring reports. Reports must be submitted on a DMR or on an EPA-specified form. In addition, more frequent monitoring must be reported. Calculations requiring averaging must use an arithmetic mean, except for fecal coliform. Monitoring results must be reported at the frequency specified in the permit.
- Compliance schedules. Reports required by a compliance schedule in the permit must be submitted within 14 days of the due date.
- Twenty-four hour reporting. The operator must report any noncompliance that may endanger human health or the environment within 24 hours after becoming aware of the circumstance. Within 5 days, you must provide a written submission containing the information outlined in 40 CFR §122.41(l)(6)(ii) unless the requirement is waived by EPA.
- Other noncompliance. The operator must report all instances of noncompliance not reported under other specific reporting requirements at the time monitoring reports are submitted.
- Other information. Where the operator becomes aware of a failure to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to EPA, the operator must promptly submit such facts or information.

Bypass

Intentional diversions of untreated waste streams from any portion of a treatment facility are prohibited unless (1) the bypass does not cause effluent to exceed limits, and (2) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, and there was no feasible alternative, and the proper notification was submitted.

Upset

An upset can be used as an affirmative defense in actions brought to the permittee for noncompliance. The operator (who has the burden of proof) must have operational logs or other evidence that shows (1) when the upset occurred and its cause, (2) that the facility was being operated properly, (3) proper notification was made, and (4) remedial measures were taken.

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09/99

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SECTION 07212

MINERAL FIBER BLANKET INSULATION
09/99

PART 1 GENERAL

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to in the text by the basic designation only.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

ASTM C 665	(1998) Mineral-Fiber Blanket Thermal Insulation for Light Frame Construction and Manufactured Housing
ASTM C 930	(1992) Potential Health and Safety Concerns Associated with Thermal Insulation Materials and Accessories
ASTM E 84	(1998) Surface Burning Characteristics of Building Materials

CODE OF FEDERAL REGULATIONS (CFR)

29 CFR 1910.134	Respiratory Protection
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1.2 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01330 SUBMITTAL PROCEDURES:

SD-03 Product Data

Thermal blanket insulation; G-AO

Sound attenuation blanket insulation; G-AO

SD-08 Manufacturer's Instructions

Each type of insulation; G-AO

1.3 DELIVERY, STORAGE, AND HANDLING

1.3.1 Delivery

Deliver materials to site in original sealed wrapping bearing manufacturer's name and brand designation, specification number, type, grade, R-value (where applicable), and class. Store and handle to protect from damage. Do not allow insulation materials to become wet, soiled,

crushed, or covered with ice or snow. Comply with manufacturer's recommendations for handling, storing, and protecting of materials before and during installation.

1.3.2 Storage

Inspect materials delivered to the site for damage; unload and store out of weather in manufacturer's original packaging. Store only in dry locations, not subject to open flames or sparks, and easily accessible for inspection and handling.

1.4 SAFETY PRECAUTIONS

1.4.1 Respirators

Provide installers with dust/mist respirators, training in their use, and protective clothing, all approved by National Institute for Occupational Safety and Health (NIOSH)/Mine Safety and Health Administration (MSHA) in accordance with 29 CFR 1910.134.

1.4.2 Smoking

Do not smoke during installation of blanket insulation.

1.4.3 Other Safety Concerns

Consider other safety concerns and measures as outlined in ASTM C 930.

PART 2 PRODUCTS

2.1 THERMAL BLANKET INSULATION

2.1.1 Thermal Insulation

ASTM C 665, Type III, blankets with reflective coverings; Class B, membrane-faced surface with a flame propagation resistance; critical radiant flux of 0.11 Btu/ft² or greater, except a flame spread rating of 75 or less and a smoke developed rating of 150 or less when tested in accordance with ASTM E 84. Size for friction fitting between metal framing members.

2.1.1.1 Thermal Resistance Value (R-VALUE)

R-value shall be as required to achieve the U-factor indicated on the drawings.

2.1.1.2 Thickness

As required by R-value except that insulation in stud construction shall fill the stud cavity.

2.1.2 Sound Attenuation Blanket Insulation

ASTM C 665, Type I, blankets without membrane coverings. Size for friction fitting between metal framing members.

2.1.2.1 Thickness

As indicated on drawings.

2.1.3 Recycled Materials

Provide Thermal Insulation containing recycled materials to the extent practicable, provided the material meets all other requirements of this section. The minimum required recycled materials content by weight are:

Rock Wool: 75 percent slag
Fiberglass: 20 to 25 percent glass cullet

2.1.4 Prohibited Materials

Do not provide asbestos-containing materials.

PART 3 EXECUTION

3.1 EXISTING CONDITIONS

Before installing insulation, ensure that areas that will be in contact with the insulation are dry and free of projections which could cause voids, compressed insulation, or punctured vapor retarders. If moisture or other conditions are found that do not allow the workmanlike installation of the insulation, do not proceed but notify Contracting Officer of such conditions.

3.2 INSTALLATION

3.2.1 Insulation

Install and handle insulation in accordance with manufacturer's instructions. Keep material dry and free of extraneous materials. Ensure personal protective clothing and respiratory equipment is used as required. Observe safe work practices.

3.2.1.1 Electrical wiring

Do not install insulation in a manner that would sandwich electrical wiring between two layers of insulation.

3.2.1.2 Continuity of Insulation

Install blanket insulation to butt tightly against adjoining blankets and to studs, runner tracks, headers and any obstructions. Provide continuity and integrity of insulation and avoid creating thermal bridges.

3.2.1.3 Installation at Bridging

Butt insulation at bridging.

3.2.1.4 Installation at Utilities

Place insulation to the outside of pipes and conduits.

3.2.1.5 Thermal Insulation

Install insulation with vapor barrier on inside face (warm side). Provide snug friction fit to hold insulation in place in stud construction. Avoid gaps and bulges in insulation and "fishmouth" in vapor retarders. Stuff pieces of insulation into small cracks and voids.

3.2.1.6 Sound Attenuation Insulation

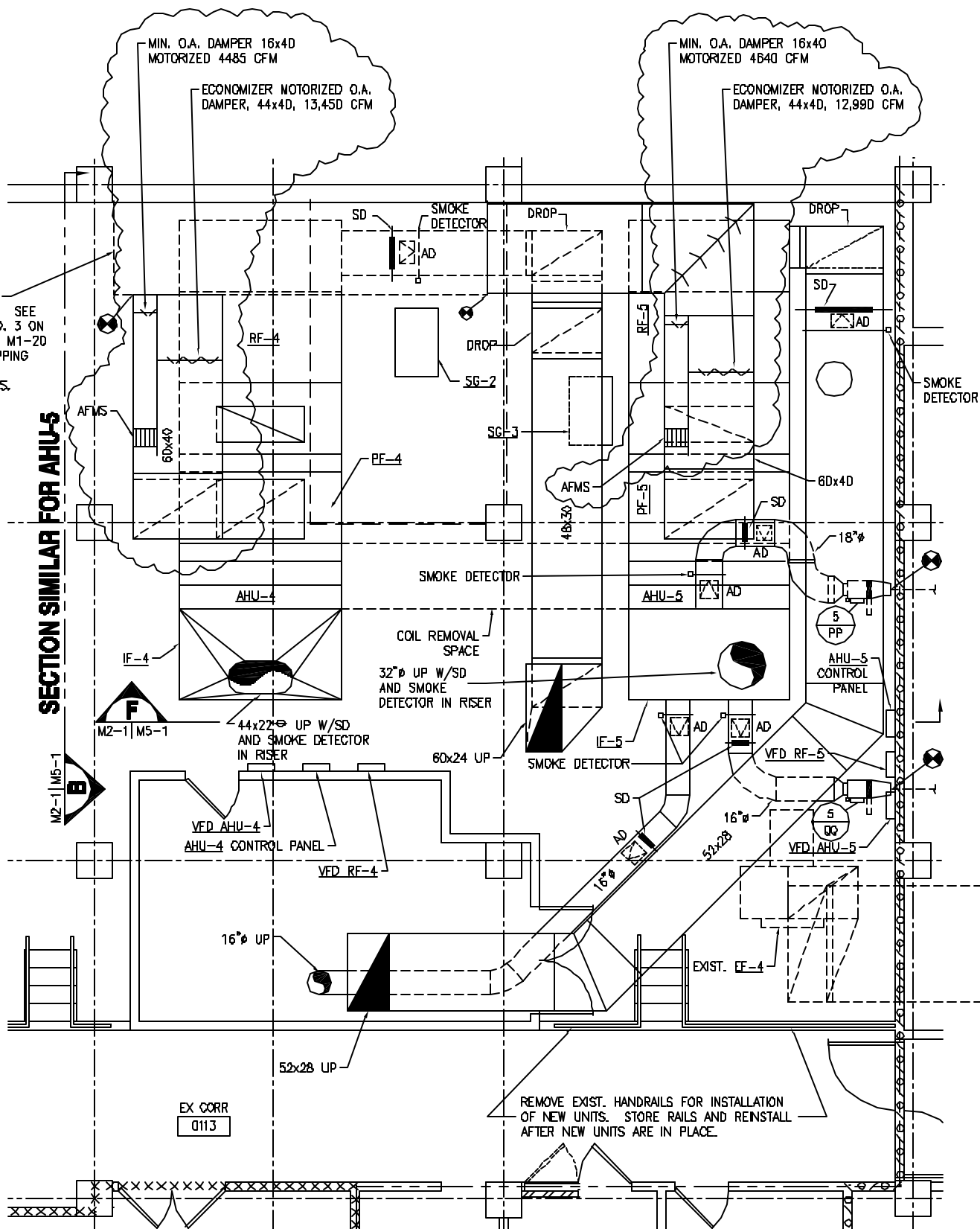
Provide snug friction fit to hold insulation in place. Stuff pieces of insulation into small cracks and voids.

3.2.1.7 Sizing of Blankets

Provide only full width blankets when insulating between studs. Size width of blankets for a snug fit.

-- End of Section --

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SS&A
Sherlock, Smith, & Adams, Inc.
ARCHITECTS • ENGINEERS

3047 Carter Hill Road
P.O. Drawer 11008
Montgomery, Alabama 36111

ADDITION/ALTERATION U.S.A.F. ACADEMY HOSPITAL U.S.A.F. ACADEMY, COLORADO

Project No. :

Drawing Referenced : M2-1

Sketch

Date : 2/16/04

Addendum :

M-2

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SEQUENCE OF OPERATION FOR HOT WATER PUMPS MTHWP-1 AND MTHWP-2:

WHEN THE EXISTING HOSPITAL HOT WATER SYSTEM IS ENERGIZED BY THE DDC SYSTEM, THE VARIABLE FLOW PUMPS (MTHWP-1 AND MTHWP-2) SHALL START. THE DDC SYSTEM WILL LOOK FOR A RUN STATUS INPUT FROM THE VARIABLE FREQUENCY DRIVES. SHOULD THE DDC SYSTEM NOT RECEIVE INPUT FROM THE HOT WATER HEATING PUMPS IN 20 SECONDS, AN ALARM SHALL BE GIVEN TO THE DDC SYSTEM. A DIFFERENTIAL PRESSURE SENSOR ACROSS THE SUPPLY/RETURN PIPING SHALL MONITOR SYSTEM DIFFERENTIAL (MINIMUM SETPOINT OF 20 FT., ADJ.). AS SYSTEM DEMAND VARIES, THE DDC SYSTEM SHALL CONTROL PUMP SPEEDS CORRESPONDING TO HOT WATER FLOW REQUIREMENTS.

SEQUENCE OF OPERATION FOR CHILLED WATER PUMP CWP-1:

WHEN THE EXISTING HOSPITAL CHILLED WATER SYSTEM IS ENERGIZED BY THE DDC SYSTEM, THE VARIABLE FLOW PUMP (CWP-1) SHALL START. THE DDC SYSTEM WILL LOOK FOR A RUN STATUS INPUT FROM THE VARIABLE FREQUENCY DRIVE. SHOULD THE DDC SYSTEM NOT RECEIVE INPUT FROM THE CHILLED WATER PUMP IN 20 SECONDS, AN ALARM SHALL BE GIVEN TO THE DDC SYSTEM. A DIFFERENTIAL PRESSURE SENSOR ACROSS THE SUPPLY/RETURN PIPING SHALL MONITOR SYSTEM DIFFERENTIAL (MINIMUM SETPOINT OF 30 FT., ADJ.). AS SYSTEM DEMAND VARIES, THE DDC SYSTEM SHALL CONTROL PUMP SPEEDS CORRESPONDING TO CHILLED WATER FLOW REQUIREMENTS.

DDC POINTS LIST

	HARDWARE									
	INPUT					OUTPUT				
	DIGITAL			ANALOG		DIGITAL		ANALOG		SOFTWARE ALARMS
	STATUS	DIFF. PRESSURE	VFD STATUS			START/STOP		SPEED (%)		
PUMPS: CWP-1 MTHWP-1 MTHWP-2										
MTHWP-1	■	■	■			■		■		■
SUPPLY/RETURN DIFFERENTIAL PRESSURE		■								
MTHWP-2	■	■	■			■		■		■
SUPPLY/RETURN DIFFERENTIAL PRESSURE		■								
CWP-1	■	■	■			■		■		■
SUPPLY/RETURN DIFFERENTIAL PRESSURE		■								

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Hospital Site Visit 29 January 2004 W9128F-04-R-0003

Company	Last Name	First Name	Telephone
Acme Brick	Dwernychuk	Grant	303-667-2263
Active Plumbing	Foster	James	719-635-7429
Active Plumbing	Pelo	Daniel	719-635-7429
Active Plumbing	Sanchez	Robert	719-635-7429
Alliance Construction	Cadwallader	Scott	970-663-9700
Alliance Construction	Thompson	Rick	970-663-9700
American Datapath	Love	Ronald	303-922-8887
Austin Con	Arthurs	Jim	505-269-7017
Best Access Systems	Jones	Rodger	303-770-5151 x716
Best Access Systems	Knight	Lee	303-770-5151
Bochnak Mechanical, Inc	Bochnak	Walter	481-9595 x111
Bochnak Mechanical, Inc	Newman	Billy	481-9595 x111
Bryan Construction	Gregory	Scott	719-632-5355
Centerre Construction	Cuna	Frank	303-220-9400
Centerre Construction	Hritz	Stephen	303-220-9400
Centerre Construction	Sugai	Wilfred	303-220-9400
CMI	Houghland	Eric	719-447-9682
CMI	Jones	Brian	719-447-9682
Digitron	Alvizu	Tony	303-455-9545
Dynalectric	Breon	Dennis	719-622-5411
Dynalectric	Morris	Kyle	719-622-5411
E2M Management Services	Airmont	Scott	540-6550/3726
ESA Inc.	Martinez	Delmar	303-991-1280
ESA Inc.	Rodgers	David	303-991-1280
FCI Contractors	Townsend	Aaron	970-535-4725
Four Star Drywall	Ortega	Marshell	303-238-5594
Gerald H. Phipps	Collier	Gregory	719-471-3169
Gerald H. Phipps	Peterson	Scott	719-471-3169
Gerald H. Phipps	Thomas	Mark	719-471-3169
Green Electric	Green	John	719-630-3352
Ground Engineering	Buelt	Thomas	303-289-1989 X234
Ground Engineering	DeNeui	Rachelle	303-289-1989 X234
Hensel Phelps	Anderson	Harmon	970-346-7318
Hensel Phelps	McElderry	Garry	970-346-7318
Hensel Phelps	Schulz	Jeffrey	970-346-7318
Hibbitts Construction	Hibbitts	Leroy	719-473-0464

Hillen Corp	Bayless	David	303-287-9478
Hillen Corp	Hillen	Bill	303-287-9478
HPE	Brumfield	Joseph	719-633-5414
HPE	Eustace	William	719-633-5414
Integrated Industrial	Christ	Mitchell	303-504-9999
Key Construction	Hein	Eric	303-708-9515
Key Construction	Hossfeld	John	303-708-9515
Key Construction	McConnell	Mike	303-708-9515
Kiewit Construcion	Hopkins	William	303-930-9000
Kiewit Construcion	Lempka	Joseph	303-930-9000
Kiewit Construcion	Rackley	Thomas	303-930-9000
LVW Electronics	Fenske	Todd	719-540-8900
Mel Vogt/TR Construction	Dyer	Michael	719-574-0020 ??
Mortenson	Wennerstron	Sean	303-295-2511
MSSM Corp	Brown III	Sam C	719-948-3195
MSSM Corp	Brown Jr.	Sam C	719-948-3195
MSSM Corp	Campbell	Rene	719-948-3195
Newstrom Davis Const	Collins	Ron	303-216-2710
Office Scape	Place	Jerry	719-574-1113 x125
PCL	Reining	Gerald	303-365-6501
Pine Bridge Electric	Kuczek	Thomas	303-694-9445
Quality Electric	Pickering	Michael	303-254-2716
Riveria Electric	Arcand	Craig	719-528-1000 x1142
Riveria Electric	Bond	JR	719-528-1000 x1142
Roche Constructors	Bell	Gregory	970-356-3611
Roche Constructors	Zolotar	Duane	970-356-3611
Rocky Mountain Asphalt	Fox	Brian	719-473-3100
Roy Anderson Corp	Richards	Jimmy	719-576-4560
Roy Anderson Corp	Rumbarger	Peter	719-576-4560
Saint Andrews Electric	Duff	James	303-439-7999
Saint Andrews Electric	Gonzales	Rusty	303-439-7999
Saint Andrews Electric	Wren	Steve	303-439-7999
Sletten Construction-WY	Paine	Stephen G	307-634-1477
Sterling Comm	Winford	Hal	303-384-3404
Swinerton Builders	Levesque	Jeff	303-423-9242
Swinerton Builders	Page	Dan	303-423-9242
Swinerton Builders	Vandenberg	Robert	303-423-9242
Swinerton Builders	Wermerskirchen	Dave	303-423-9242
TIC	Marchetti	Robert	303-840-5976

TIC	Trevithick	Dan	303-840-5976
TR Construction	Grant	Peter	719-574-0020
Turner	Mierau	Robert	303-753-9600
Turner	Teutonico	Joseph	303-753-9600
Weitz	Kallio	Angelique	719-548-9001
Wells & West	Jones	Gregory	719-266-1529
Wells & West	Stewart	Randy	719-266-1529
West Electric Group	Burnett	Steven	719-532-0185

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